

PROMISES, PREPONDERANCE, POLITICS, AND PROVISIONS:  
UNDERSTANDING THE FORCED RELOCATION OF THE CHEROKEE

A thesis presented to the Faculty of the U.S. Army  
Command and General Staff College in partial  
fulfillment of the requirements for the  
degree

MASTER OF MILITARY ART AND SCIENCE  
General Studies

by

DOROTHY E. FARRAR, MAJOR, ARMY NURSE CORPS  
B.S.N., Northeastern State University, Tahlequah, Oklahoma  
M.A., American Military University, Charles Town, West Virginia  
D.B.A., California Intercontinental University, Diamond Bar, California

Fort Leavenworth, Kansas  
2017

Approved for public release; distribution is unlimited. Fair use determination or copyright permission has been obtained for the inclusion of pictures, maps, graphics, and any other works incorporated into this manuscript. A work of the United States Government is not subject to copyright, however further publication or sale of copyrighted images is not permissible.

REPORT DOCUMENTATION PAGE				Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.					
1. REPORT DATE (DD-MM-YYYY) 09-06-2017		2. REPORT TYPE Master's Thesis		3. DATES COVERED (From - To) AUG 2016 – JUNE 2017	
4. TITLE AND SUBTITLE  Promises, Preponderance, Politics, and Provisions: Understanding the Forced Relocation of the Cherokee				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)  Dorothea E. Farrar, Major, U.S. Army				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army Command and General Staff College ATTN: ATZL-SWD-GD Fort Leavenworth, KS 66027-2301				8. PERFORMING ORG REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Approved for Public Release; Distribution is Unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT The events surrounding the 1836 forced relocation of the Cherokee continue to be surrounded by questions 180 years later. The ethical, legal, political, and social issues encountered in this mass movement of people has current relevance in today's recurrent dealings with displaced populations. Through review of the driving forces and contextual socio/political climate of this event, the question, "Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?" is answered "yes." This work provides an objective review of each of the stakeholder positions; President Jackson and staff, U.S. Military officers and enlisted soldiers responsible for movement order execution, Chief John Ross, the U.S. Supreme Court, Settlers, Native Cherokee and associates, and Clergy of the day as recorded in historical documents, treaties and official communications. The maps add context in their document the lanes of travel and the modes of transportation westward. The use of clear evaluation criteria aids in obtaining an objective answer to specific questions.					
15. SUBJECT TERMS Relocation, military force, sustainment, cultural sensitivity, executive order					
16. SECURITY CLASSIFICATION OF: UNCLASSIFIED (U)			17. LIMITATION OF ABSTRACT  (U)	18. NUMBER OF PAGES  107	19a. NAME OF RESPONSIBLE PERSON
a. REPORT (U)	b. ABSTRACT (U)	c. THIS PAGE (U)			19b. PHONE NUMBER (include area code)

MASTER OF MILITARY ART AND SCIENCE

THESIS APPROVAL PAGE

Name of Candidate: MAJ Dorothe Farrar

Thesis Title: Promises, Preponderance, Politics, and Provisions: Understanding the  
Forced Relocation of the Cherokee

Approved by:

\_\_\_\_\_, Thesis Committee Chair  
Jack D. Kem, Ph.D.

\_\_\_\_\_, Member  
Monique Guerrero, M.A.

\_\_\_\_\_, Member  
William L. Knight, Jr., M.B.A.

Accepted this 9th day of June 2017 by:

\_\_\_\_\_, Director, Graduate Degree Programs  
Prisco R. Hernandez, Ph.D.

The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

## ABSTRACT

PROMISES, PREPONDERANCE, POLITICS, AND PROVISIONS:  
UNDERSTANDING THE FORCED RELOCATION OF THE CHEROKEE, by Major  
Dorothea Farrar, 107 pages.

The events surrounding the 1836 forced relocation of the Cherokee continue to be surrounded by questions 180 years later. The ethical, legal, political, and social issues encountered in this mass movement of people has current relevance in today's recurrent dealings with displaced populations. Through review of the driving forces and contextual socio/political climate of this event, the question, "Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?" is answered "yes." This work provides an objective review of each of the stakeholder positions; President Jackson and staff, U.S. Military officers and enlisted soldiers responsible for movement order execution, Chief John Ross, the U.S. Supreme Court, Settlers, Native Cherokee and associates, and Clergy of the day as recorded in historical documents, treaties and official communications. The maps add context in their document the lanes of travel and the modes of transportation westward. The use of clear evaluation criteria aids in obtaining an objective answer to specific questions.

## ACKNOWLEDGMENTS

I would like to thank God Almighty for this great adventure that has been my life. This work is dedicated to the members of my family who served before me, my aunts and uncles, my Dad, and my Big Brother, Major Larry Don Griffin. I would like to thank Dr. Mills and Dr. Laver for trying and honesty, my dear friend and mentor Monique Guerrero for her perseverance and enduring show of confidence, Mrs. Krueger for her encouragement and enthusiasm, Dr. Hernandez for being receptive and welcoming, Mr. Knight for saying yes, and Dear Dr. Kem for taking on what seemed to be a lost cause just when I needed to hear it was not. I am forever grateful for the presence, guidance and kindness of Dr. Babb, and for his “fierceness.” Thank You to Mr. Christie for the pep talks. My new friends MAJ Wells for never giving up, and the Staff Group 12D, especially Antwan, John, Dave Palmer, Al, Kurt and Sarah for listening to my incessant research updates. To my lifelong battle buddy, CPT(P) Sandy Blakeslee for stopping in the middle of her life to get up early on her day off and drive 5 hours to rescue me from despair. And most importantly to our Kids and our Kid’s Kids. And for my Dear Sweetheart Steven “Coach” Farrar, who has been the constant that guides my crazy orbit and keeps me from spiraling out of control.

## TABLE OF CONTENTS

	Page
MASTER OF MILITARY ART AND SCIENCE THESIS APPROVAL PAGE .....	iii
ABSTRACT.....	iv
ACKNOWLEDGMENTS .....	v
TABLE OF CONTENTS.....	vi
ACRONYMS.....	viii
FIGURES .....	ix
TABLES .....	x
CHAPTER 1 INTRODUCTION .....	1
Background.....	1
Purpose.....	3
Primary Research Question .....	4
Secondary Research Questions .....	4
Tertiary Research Questions .....	5
Assumptions.....	6
Important Terms .....	7
Limitations .....	11
Scope and Delimitations .....	12
Chapter Summary .....	13
CHAPTER 2 REVIEW OF THE LITERATURE .....	14
Chapter Introduction .....	14
Constitutional and Legal Issues .....	15
History of Supreme Court Cases .....	17
History of Treaties, Compacts and Ratifications .....	18
History of Indian Populations .....	22
The Cherokee .....	23
History of President Jackson and the Executive Branch .....	25
History of Settlers .....	28
The State of Georgia's Plan .....	30
Martin Van Buren's Removal Order .....	31
General Winfield Scott .....	31
Scott's Army (3,000 + 4,000 = 7,000).....	35
John Ross' Plan.....	36

Chapter Summary .....	38
CHAPTER 3 METHODOLOGY .....	39
Chapter Introduction .....	39
Research Methodology .....	39
Evaluation Criteria .....	42
Threats to Validity .....	43
Chapter Summary .....	46
CHAPTER 4 DATA PRESENTATION AND ANALYSIS .....	47
Chapter Introduction .....	47
Step 1: Study of Documents .....	47
Step 2: Remove Biased or Invalidated Data .....	49
Step 3: Gather Similar Documents .....	49
Step 4: Identify the Stakeholder Groups .....	50
Step 5: Develop a Timeline .....	51
Step 6: Operational Variables - The PMESII Model .....	58
Political .....	59
Military .....	60
Economic .....	61
Social .....	61
Infrastructure .....	63
Information .....	63
Geography, Terrain, and Demographics .....	65
Other Factors .....	69
Step 7: Apply Critical Evaluation Matrixes .....	70
Step 8: Compare Matrixes and Answer the Primary Question .....	79
Chapter Summary .....	81
CHAPTER 5 CONCLUSIONS AND RECOMMENDATIONS .....	83
Chapter Introduction .....	83
Conclusions .....	84
Recommendations .....	85
Final Word .....	87
APPENDIX I TIMELINE FOR REMOVAL .....	90
REFERENCES .....	92

## ACRONYMS

CGSC	Command and General Staff College
FM	Field Manual
JP	Joint Publication
OSAPG	United Nations Office on Genocide Prevention and the Responsibility to Protect
PMESII	Political, Military, Economic, Social, Information, and Infrastructure
UNHCR	United Nations High Commissioner for Refugees



## FIGURES

	Page
Figure 1. Treaty and Executive Agreement Comparison Chart .....	16
Figure 2. Cherokee Removal Routes Map .....	66
Figure 3. Trail of Tears Map .....	68

## TABLES

	Page
Table 1. Response Evaluation Criteria.....	43
Table 2. Response Evaluation Criteria: Military Action.....	71
Table 3. Response Evaluation Criteria: Urgency.....	72
Table 4. Response Evaluation Criteria: Genocide? .....	73
Table 5. Response Evaluation Criteria: Why Now? .....	74
Table 6. Response Evaluation Criteria: Jackson's Motivation .....	75
Table 7. Response Evaluation Criteria: Sovereign, or Not? .....	76
Table 8. Response Evaluation Criteria: Transparency.....	78
Table 9. Response Evaluation Criteria: Consolidated .....	79

## CHAPTER 1

### INTRODUCTION

#### Background

This chapter will provide a brief synopsis of the events leading up to and during the initial phases of the forced relocation of the Cherokee Indian from the lands known currently as the state of Georgia to the land west of the Mississippi River. In this chapter, will be the primary and secondary research questions as well as the purpose, assumptions, limitations and delimitations of the study. There is also included in this first chapter a list of important terms that will be helpful for reader understanding of the political and legal climates of the situation.

The question is, “Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?” The idea is that the reader receives information that was previously not provided in the historical education area. Through providing the “missing information” the reader can develop a more meaningful understanding of the event and synthesis new understanding that can be applied to future work.

In the eighteenth century, the land east of the Mississippi in what was the newly formed America was increasingly being settled by new arrivals from all parts of the world, but especially Europe. In this text, this population is labeled as Settlers. This created a problem for the Natives that were already residing in the area. These Native tribes already had societies, cultures, governments, legal systems, currency/economic systems and territorial boundaries (Perdue and Green 2007, xiv). These were essential

and foundational to the Natives' way of life. The Natives were viewed as backward and uncivilized by the new Settlers.

It is important to note that as early as 1770 the Illinois and Piankeshaw tribes had discerned the implications of the Settlers' continued expansion westward and sued the American Government for encroachment of territory (Bowes 2015). This case was also used in the later Johnson vs. McIntosh as precedent. In this case, it was determined that although the Natives would retain the right of ownership and production upon their own property, it could not be sold at their discretion as they had lost the designation as sovereign. The determination presented the right of true ownership or sovereignty to the discoverer; in this case, the European population (Robertson 2005, xiii).

Aggression and disagreement continued for several years. The new arrivals formed a new government and elected officials. During the presidential administration of Andrew Jackson, the differences became so great an impasse was reached. Seeking to combat the encroachment, the Natives pursued several techniques such as social integration (Cherokee, Chickasaw), combat (Creek, Choctaw), guerilla techniques (Seminole), and assimilation (Cherokee and many other "civilized" tribes). The Cherokee built on their already established reputation and tendency for academia and negotiation.

First, the Natives sought and negotiated several treaties with the new government. These agreements often were often entered by small segments of population without the full agreement of the majority of the tribe. This led to inconsistencies with compliance and frequent failures (Satz 2002, 266-71). They sought legal representation and pursued the process through the highest levels of the new government's legal system, the Supreme Court. The first case (Johnson versus McIntosh 1823) was lost. The following cases in

what has come to be known as the “Marshall trilogy” due to his hearing of all three were Cherokee Nation v. Georgia (1831) and Worcester v. Georgia (1832). In the Nation versus Georgia case the Natives there was no ruling due to the decision of the court that the jurisdiction limit could not extend due to wording of the Native Nation as “foreign and there being no jurisdiction in those matters. The Natives appealed with the assistance of missionary Samuel Worchester and the verdict was later found to be in their favor (Duthu 2014, 2).

As more room was required by the Settlers, and the Natives’ standing in society dwindled to “savage” status, the tone of negotiations changed. The addition of value for agricultural development and the discovery of gold in what is now the state of Georgia added another motivation to remove the population that, in the Settler’s opinion, stood in the way of progress.

In 1836, President Jackson used executive power to officially order the Natives to the territory west of the Mississippi. The tribe was given two years to vacate during which time they continued to litigate and appeal. Upon near expiration of the two-year term, with no progress being made, President Jackson ordered military intervention. The order was initiated during the transition of power from President Jackson to President Martin Van Buren. The action continued with increased intensity with President Van Buren. Within the months between May of 1838 and March of the next year, all Cherokee were relocated at a loss of 4,000 lives.

### Purpose

The purpose of the study is to review the period of history surrounding the forced relocation from multiple perspectives to gain objective understanding of the historic

event. Through this study there is the opportunity to examine a recent historical event and investigate lingering echoes of mistrust and resentment. By openly confronting such prejudice, there can be insight gained to guide future dealings in relocations of other populations and increase sensitivity that could improve policy and doctrine development.

### Primary Research Question

There are similarities in the current practice of relocation of populations whether the cause of relocation is a result of war, conditions incompatible for human occupation because of human or natural disaster, or cultural/territorial disputes. Often military or governmental authority is used to provide motivation and coordination for the effort. This use of authority is always tension filled and rarely occurs without contest. Thus, the primary research question for this thesis is “Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?”

### Secondary Research Questions

In the review of the circumstances of the Cherokee forced removal, it is important that the reader keep in mind the historical context of the event. History provides a lens that can be used to scrutinize an event from a distance. It is important that while scrutinizing, the researcher does not lose sight of the abilities and capabilities of the day as well as the surrounding events that influenced decisions. Through increased depth of review, understanding can be gained not only to the where and how questions, but also some insight as to the “why?”

To answer the primary research question, there are a number of secondary questions that must be answered. These secondary questions are:

1. What was the turn of events that called for military action to complete the forced migration?
2. Did the urgency and alterations in timelines lead to critical inadequacies in preparation, planning and sustainment?
3. Was the relocation an attempt at genocide?

### Tertiary Research Questions

The purpose of the study is to review the period of history surrounding the forced relocation from multiple perspectives to gain objective understanding of the historic event. Through this study there is the opportunity to examine a recent historical event and investigate lingering echoes of mistrust and resentment. By openly confronting such prejudice, insight can be gained to guide future dealings in relocations of other populations and increase sensitivity that could improve policy and doctrine development. There are several troubling issues. These are the consistency in the historical perspectives, the use of executive power contrary to Supreme Court ruling, and the humanitarian concerns resulting from the military operation's execution.

The tertiary questions for this research are:

1. Why did the timing suddenly become urgent when the issue had been discussed for 40 years prior?
2. What was President Jackson's motivation?
3. Where in the legal process did the Natives stand...Sovereign or not?
4. Could this lack of disclosure and transparency in review have produced an

unnecessary and enduring resentment and complicated population unity?

### Assumptions

In previous research times, a project such as this would require extensive coordination and exchange of delicate historic documents. If the documents could be located the willingness of the holder to release copies would be a driving factor and sometimes accompanied by lengthy chain of possession documentation and sign out. The researcher at times has been requested to travel to the location of the documents and at that point repeat the verification process. The time constraints of the CGSC program prevent such a labor and time intensive method of data collection. Through the access provided by electronic search through the internet, information is available in large quantities on this topic. The challenge is to sift through the volumes of material and find the most objective account.

We have access through electronic search and retrieval documents that could be reviewed and compiled to build a concise account that includes several perspectives that may not have been readily accessible in previous work. These documents provide a greater depth to review than common modern composed works.

The U.S. is constantly placed on the global stage, which requires the military forces to work alongside and on behalf of a variety of populations. Some of those populations have experienced displacement. The displacement may be due to war and aggressive actions directly placed upon the people, or the people may be moving to avoid aggressions in the area they called home prior to the conflict.

There is also the humanitarian aspect of the military service that brings the military into contact with people through relief operations that are responding to natural



or man-made disasters (radioactive incident, pollutants, weather related catastrophes, etc.) without the variant of war. The similarity is that for some reason what was viewed as “home” by a group of people is no longer (and may never be again) accessible. The second similarity is that there will be some type of authority in place to assure compliance.

Through understanding the legal, social and ethical issues that arose and continue to plague relationships in the forced removal we can develop a broader understanding and present the military as a more reliable and informed resource in such operations. This transferrable or applicable information that could enhance current understanding and be of use to improve current dealings with displaced populations.

### Important Terms

“The single biggest problem in communication is the illusion that it has taken place” (Quoteinvestigator 2017). It is difficult to fully understand terms that are not used daily or often. Terms used historically may not carry the same meaning when used in modern context. Concepts of policy and legalism are difficult to understand even if one does encounter them often.

It is distracting to have to constantly stop studying a document to look up some vague text. To minimize these detractions and distractions there follows a list of terms that will be helpful. This by no means is an exhaustive list of the treaties, legislature and legal terms that apply to this topic, but will serve to supply the reader with a base from which to begin study.

Assimilation: This term refers to the process by which a person or persons acquire the social and psychological characteristics of a group (Dictionary.com 2017a).

Confabulation: The medical definition of confabulation is a fabricated memory believed to be true. This is different than a purposeful lie in that the author or speaker believes the information being communicated is accurate (FreeDictionary.com 2017a).

Ends-Ways-Means (Risk): Ends are the objectives or desired outcomes. Ways are the methods and process executed to achieve the ends. Means is the necessary resources and pathways that will be used to produce the action, such as authorizations, funding, or workforce. Risk is the educated and adjusted assessment of the likelihood of success or failure and the cost of either as measured in either value, status, territory or life (Joint Chiefs of Staff 2017, II 2-4).

Ethnocide: The deliberate and systematic destruction of the culture of an ethnic group is ethnocide. This differs from genocide in that it is focused on the ethnicity and culture of a population, not the individuals of a specific genetic group (Encyclopedia of Race and Racism 2008).

Executive Power: The President has certain powers regarding domestic affairs; Article II of the U.S. Constitution grants the President broad discretion over foreign policy. The two most important means of establishing foreign policy are treaties and executive agreements, and these operate differently with respect to state and federal laws and the Constitution (National Paralegal College 2017).

Five Civilized Tribes: The collective name for the Cherokee, Creek, Choctaw, Chickasaw, and Seminole tribes of Indians who, despite their adaptation to European culture, were deported to the Indian Territory from 1830 to 1840 (A&E Networks 2009).

Flora and fauna: Flora and fauna refers to plant and animal life abundance (or scarcity), specifically within a given region or location (Reference.com 2017). This is

significant information when considering grazing, hunting, gathering, exposure to poisonous plants, or exposure to venomous creatures.

Forced Relocation: Generally, the relocation of a population due to mandate of government, enforced by use of violence or threat of violence and destruction or seizure of lands or property (specifically). It is the period immediately following the settlement of America in which indigenous people were forced to progressively consolidate and eventually move completely west of the Mississippi River, this is also referred to in some texts as “impelled migration” (BusinessGhana 2016).

Genocide: "Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group." Per Convention on the Prevention and Punishment of the Crime of Genocide (1948) (OSAPG 2014).

Indoctrination: Referred to also as thought reform; this is a process through which a single sided view is presented to a focused population which has no alternative but to accept the view without opportunity to critically assess or challenge (Dictionary.com 2017b).

Settlers: Will use this term to refer to the new arrivals, many of European descent. This is an attempt to avoid common use descriptors such as “white” or “Indian” and describe the populations objectively.

Sovereign State (global definition): A recognized entity comprised of the four necessary elements of population, territory, government and sovereignty that functions with the recognition of other states and authority to enter and terminate agreements with other states; supreme authority within a territory; or political independence and territorial integrity (The Metaphysics Research Lab 2016).

Supreme Court Ruling: In the U.S., the Supreme Court is the highest court in the nation. It is an appellate court only, in that there are no witnesses, but parties present their arguments and the cases are reviewed and decided in a meeting between the justices. The decisions regarding constitutional and statutory law are to provide legal clarity and consistency, and due to it being the last point of review, the decisions are held as final for all concerned. The decisions of this court can only be overturned in cases of constitutional amendment or self-reversal of a decision (Dictionary.com 2017).

Trail of Tears: In U.S. history, the forced relocation during the 1830s of Eastern Woodlands Indians of the Southeast region of the United States (including Cherokee, Creek, Chickasaw, Choctaw, Muskogee, and Seminole, among other nations) to Indian Territory west of the Mississippi River. Estimates based on tribal and military records suggest that 100,000 indigenous people were forced from their homes during that period, which is sometimes known as the removal era, and that some 15,000 died during the journey west. The term Trail of Tears invokes the collective suffering those people experienced, although it is most used in reference to the removal experiences of the Southeast Indians generally and the Cherokee nation specifically. The physical trail consisted of several overland routes and one main water route and, by passage of the Omnibus Public Lands Management Act in 2009, stretched some 5,045 miles (about

8,120 km) across portions of nine states (Alabama, Arkansas, Georgia, Illinois, Kentucky, Missouri, North Carolina, Oklahoma, and Tennessee (Pauls 2017)).

Validity: The quality of being logically or factually sound and acceptable in the current acceptable societal and cultural norms and assigned historical context. Within the military context plans are proofed in terms of suitability (would this work?), feasibility (could this realistically be executed?), and acceptability (is this ethically and morally appropriate?) (Leonhard 1993).

### Limitations

The limitations of this study are time available to conduct the study, availability and access to information and data, funds, investigator experience and investigator bias. Every attempt will be made to conduct a valid, applicable work while remaining cognizant of these limitations.

This study was conducted from December 2016 to April 2017 at the Command and General Staff College, Ft. Leavenworth, Kansas, in pursuit of completion of requirements of the Masters in Military Arts and Science Degree. The use of computer access to collect data is time intensive. The volume of data present on the topic is immense. The forced relocation of the Native American spanned hundreds of tribes and clans, and thousands of miles of terrain across multiple boundaries. The entities involved traversed the continuum of legal, executive, moral and ethical boundaries, and the viewpoints of many accounts are emotionally influenced. There are conflicting reports of amounts and numbers of people departing and arriving that even today remain in dispute. Verification then fell to the reviewer to accept the most often documented account. The discovery of new links and websites is distracting as well as helpful. Many of the links

have revealed additional sources in such volumes that would be impossible in this limited time to fully pursue. There has been receipt of additional documents through inter-library loan that are pertinent but tedious to examine due to being scanned onto electronic media in unclear fashion (due to degraded historic original) and many are hand written (as would be appropriate for the date of event). A timeline (Appendix I) is provided at the end of this study to assist the reader in keeping the complicated order of events in line.

The Research will be conducted with the researcher's funds from U.S. Army paycheck. There are no additional contributors at the time of this writing. Most of the research can be collected with very limited travel and supplies.

Although this is an original work, previous experience in conducting original research has been of a quantitative analysis nature and the methodology is different. There is also the concern of investigator bias. The Researcher has resided, been raised in, and acquainted with Native Culture for over 50 years. The Researcher is American, female, parent, and a Soldier in the U. S. Army.

### Scope and Delimitations

For the purposes of this study there will be a review of only one of the routes and one of the displacements of tribes (Cherokee), a small portion of American Civilian Society, and one review of one military unit. We are aware there were many others involved, but due to the limitations of this paper, cannot be reviewed in this context.

This study will not seek to pass judgement on the actions or legality of actions of any of the participants. There would be little good to be gained from a one-sided assessment placing blame without the benefit of a thorough excavation of records and an opportunity for representative defense; neither of those are possible in this forum. The

focus is to review how planning impacted the human aspects of the relocation, to review the understanding of the events as compared to that which is expressed in modern forums and evaluate the accuracy of the accepted information.

### Chapter Summary

This chapter has provided a brief history of the events leading up to and during the initial phases of the forced relocation of the Cherokee. The primary and secondary research questions as well as the purpose, assumptions, limitations and delimitations of the study have been discussed. The list of important terms and their definitions is present as well as a comparison chart in chapter 2 (figure 1) to add clarity to the legal differences of the executive level directives. It is a visual tool to evaluate the baseline understanding prior to this study of the individual researcher's assessment of local knowledge levels as indicated by casual discussions and actual review of high school level textbooks and cultural websites. The next chapter will contain a review of the major literature resources that provided a basis for this work and move closer to answering the question, "Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?"

## CHAPTER 2

### REVIEW OF THE LITERATURE

#### Chapter Introduction

For us to try to understand something as complex as the period of the forced relocation it is imperative that we remain objective. There are several factors that are indisputable that we must first acknowledge, assess and place into context of the day, carefully being cognizant of the position of luxury in which we currently stand. In this chapter, there will be a discussion of the sources of the information used in this research and descriptions of the investigator's efforts to use the most objective information available to objectively review the historical circumstance and answer the question, "Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?" The availability and accessibility challenges are described as well as the specific contribution a website or text may provide.

A large portion of the research for this project was performed electronically through internet search of websites and databases. These sites often provided links to historical documents from a multitude of repositories such as the Library of Congress, The Parks and Rivers Commission, and The Smithsonian document repository

Purposeful attempts were made to limit use of the primary search websites to cultural context and general information to avoid confabulation due to empathy with the specific presenter of the site (Bigelow 2012).



### Constitutional and Legal Issues

Article II, Section 2, clause 2 grants the President “Power, by and with the Advice and Consent of the Senate, to make Treaties” pending approval when ratified by a 2/3 majority vote of the Senate.

Executive Agreements are not constitutionally authorized, but are nonetheless agreed to be within the powers vested in the President. The most immediately apparent difference between a treaty and an Executive Agreement is that Executive Agreements do **not** require Senate approval, as that requirement stems from the Constitutional grant of power to enter a Treaty. This sidestep is not as dangerous around the Constitution as it may first appear. Crucial differences exist between the power and force of a treaty versus that of an Executive Agreement.

In addition to the power to enter treaties and Executive Agreements, the President is named “Commander in Chief of the Army and Navy” by Article II. So, while only Congress has the authority to formally declare war, controversy abounds regarding the President’s ability to commit armed forces abroad in the absence of such a Congressional declaration.

Some areas are clear, such as the authority for the President to commit our forces to defend against a sudden attack. It is also clear that Congress may delegate its powers to the President in advance, to be exercised at the President’s discretion, so long as the delegation is not overly broad. It is not clear, however, just what are the President’s powers to commit to a preemptive strike prior to an anticipated enemy attack or to commit troops to defend our allies against a sudden attack.

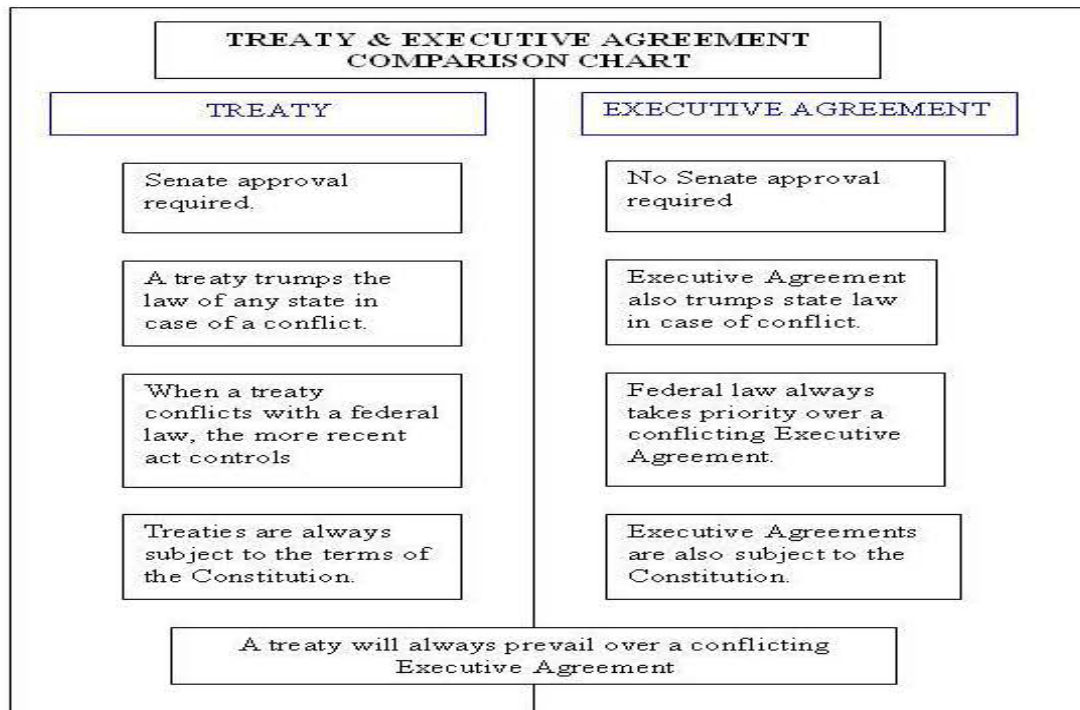


Figure 1. Treaty and Executive Agreement Comparison Chart

Source: National ParaLegal College, "Presidential Power," accessed December 31, 2016. [https://nationalparalegal.edu/conLawCrimProc\\_Public/Federalism/PresidentialPowers.asp](https://nationalparalegal.edu/conLawCrimProc_Public/Federalism/PresidentialPowers.asp).

Mtholyoke.edu contains documents that relate to American foreign policy prior to 1898, which provided insights to the Supreme Court Rulings and treaties that occurred in this early time. It was enlightening to discover this perspective in that the Natives were considered in several different directions on this matter. They were neither foreign, nor sovereign, nor citizens, nor Subjects of the English Monarchy in a consistent enough manner to allow any of those designations to apply and that led to ambiguity in their legal status (Trustees of Mount Holyoke College 2017).

For this study, it is important to remain constantly aware of the legal and political changes that were evolving with the new government. Through the course of this

research, many accounts attribute hundreds of legislative motions, legal petitions and minor treaties over the one-hundred-year time frame prior to the forced removal. It is noted in several instances that the distance in locations of individual Native groups and the proximity of states and local Settler communities enabled the formation of small agreements and treaties without the inclusion of the whole of the populations from either side of the cultural fence. The focus of our review will be the Supreme Court Cases of *Cherokee Nation vs. Georgia* and *Worcester vs. Georgia*; Compact of 1802, Civilization Funding Act, Indian Removal Act, Treaty of New Echota and the Ratification of the Treaty of New Echota.

### History of Supreme Court Cases

*Cherokee Nation vs. Georgia* (1831): In this case, Chief Justice Marshall determined that the Cherokee were not a sovereign foreign nation therefore there was no jurisdiction for their action. They were found to be a “dependent nation” and that land ownership was not theirs, but occupancy was until they ceded the lands to the government (Cherokee Nation 2017).

*Worcester vs. Georgia* (1832): The case known as *Worcester vs. Georgia* is a subsequent re-filed case heard by the Supreme Court regarding the state of Georgia’s actions to remove Natives from their boundaries. The court determined that the Cherokee were a sovereign nation and in that the state of Georgia had no grounds with which to seize or prevent use of their territory by their citizens (Garrison 2016).

### History of Treaties, Compacts and Ratifications

The Compact of 1802 was a declaration by Andrew Jackson that all disputed land currently occupied by Natives would be vacated. In his annual address, he stresses that this is to avoid conflict and annihilation of the Natives and provide for them their own location west of the Mississippi (Wagner 2016).

The Civilization Funding Act (1819) was enacted by the 15th Congress provided funds for benevolent efforts to assist in the “civilization” of American Native populations. The funds were used to set up boarding schools. The purpose of the schools was, “for the purpose of guarding against the further decline and final extinction of the Indian tribes, adjoining the frontier settlements of the United States, are for introducing among them the habits and arts of civilization” (Prucha 2000, 33).

The Indian Removal Act (1830) was signed into law by President Andrew Jackson on May 28, 1830, authorizing the president to grant unsettled lands west of the Mississippi in exchange for Indian lands within existing state borders. Natives challenged the act. The timeline for removal was two years (1836-1838). A few tribes went peacefully, but many resisted the relocation policy. During the fall and winter of 1838 and 1839, over 10,000 Natives were forcibly relocated west of the Mississippi to Indian Territory (Library of Congress 2017).

Treaty of New Echota (1835): On December 29, 1835, the Treaty of New Echota was signed ceding all land east of the Mississippi. Five hundred members of the Cherokee tribe signed the treaty. Most of the Nation contested the treaty and declared the signees did not have the specific authority to enter this agreement (Cherokee Nation 2016).

Ratification of The Treaty of New Echota (1836): The Treaty of New Echota was ratified by the U.S. Supreme Court on the basis that the court lacked the power to accept a treaty by an unauthorized delegation. The ruling claims that only the United States, and not individual states had the jurisdiction to act. This ruling was not acted on or enforced by either the state of Georgia or President Andrew Jackson and the Indian Removal continued (McBride 2006).

The benefit of electronic research is the accessibility of genuine documents, newspaper articles, maps, ledgers, official records and timelines that provide objective accounts. The searches were conducted from the positions of each of the stakeholder groups (Natives, Settlers, U.S. Government, Military, Soldiers, Business Interests, etc.). This provided diverse framework by which to perform the gathering of data.

The *Cherokee Phoenix* is a newspaper that has been published by the Cherokee since 1828 (a decade prior to the forced removal) and there are many editorials and commentary from the Native perspective before, during and after the relocation. This is an electronic website and is a physical repository based in Tahlequah, Oklahoma. There are similar commentary and letters available at the University of Oklahoma Library in Norman, Oklahoma and in the papers contained in the Thomaslegion.net. The latter website contains specific guidance provided to General Winfield Scott's troops regarding plans and treatment of the Cherokee during the round up and relocation.

The Cherokee Nation website contains much cultural information, but also has specific links to the formatted versions of many of the treaties and court rulings. There is a tendency at times to skew the tone of the information more in the direction of legend,

but the documents are accurately presented. The creativity of sight design is at times a distractor, but the links are sound and provide access in a reliable manner.

The need for objectivity is acutely evident when reading the *Birthday Letter of PVT John Burnett*. While this has been treated as a historical account composed by a soldier present at the relocation, it was written when the author was eighty years of age and at least two websites have challenged the validity of the document based on the account of Chief Ross' wife's death and the number of wagons mentioned. Mr. Burnett is not available to be asked for clarity, but the document continues to be used by LearnNC.org as genuine.

The research was rounded out with a selection of books that contained a good representation of each of the stakeholders' perspectives and positions. John Ehle's *The Trail of Tears; The Rise and Fall of the Cherokee Nation*, (Ehle 1988) is a narrative of the years surrounding the forced removal. The book was highly recommended by librarians and is referenced several times by the Native and Park Services websites. Ehle's work contains several embedded documents. Resources in the back of book indicate the data could be primary traced. This is an easy to read book that contains lots of details and the interview type format lends perspective.

John S. D. Eisenhower wrote *Agent of Destiny; The Life and Times of General Winfield Scott*, (Eisenhower 1997) and it has provided much insight to the military leader who would be credited with the successes and failures of the relocation. The text provides context to the General's previous experience and his abrupt assignment of the role when the initial appointee was unavailable to serve in that capacity. A look at the professional life of General Winfield Scott, specifically in chapters relating to the Indian removal

reveals an often-conflicted soldier, bound by duty. His lack of fear of chastisement developed in earlier years of his career served him well in the resistance from white settlers and land owners. He is known not only for being the one in charge of the Cherokee removal but also by the Natives for having compassion and attempting to provide as humane a transfer as possible.

*The Five Civilized Tribes* by Grant Foreman speaks to finance, commerce, legal discussions, territories and maps (Foreman 1934). The book is organized by tribe, so it is easy to locate applicable information and separate one from the other. The copyright date lends to credibility. While it is still a century after the forced removal, the accounting methods had not yet reached the adjustments of current standard and provide an organized text for comparison.

Theda Perdue and Michael D. Green have written several books on the topic of the Cherokee. These were used throughout the research. The historians at the Command and General Staff College were the first to recommend use of this writing team's work. The team of Purdue and Green are considered subject matter experts on the Native population. Especially useful was the *History with Documents* book. That text did provide the original groundwork for development of the timeline located in Appendix I.

It is necessary to iterate here that the book texts were used with caution to allow the sifting and separating of the author's own research bias and tolerance of their own poetic liberties to preserve validity and minimize romanticism (Appleby, Hunt, and Jacob 1994). The book, *Telling the Truth About History*, was a good compass to use when sorting through what is actual and what is implied or assumed information. There is a lot

of reference to vigilance to limit the emotional impact of research and to validate through more than one source the actual event.

### History of Indian Populations

There were many tribes that lived in the land. For our purposes this work will focus on the Cherokee with occasional references to the group known as the Five Civilized Tribes. The experience was so interconnected that to exclude the understanding that there were more than just the one tribe would leave a gap in complexity and fail to provide context.

In the early days of the white settlements, the accepted understanding was that the neighboring tribes would be allowed to retain their culture and possessions if there were strong attempts to assimilate into the style of life the settlers considered “civilized.” Per the Legends of America (LOA), this meant getting along with the settlers (LOA 2016). Some texts offer there was also an implied conversion to Christianity.

The Natives lifestyles already held many characteristics appreciated by the settlers. Each of the Civilized Tribes had definite territories, levels of exchange (bartering, value measurement), property ownership, laws and governing bodies. Each of the Civilized Tribes main food source was farming. The Cherokee, Chickasaw, Seminole and Creek raised the “three sisters” -- corn, beans and squash. The Choctaw also raised these with the addition of pumpkin. All the Tribes supplemented with wild game for meat. All the tribes had begun to use domesticated large animals for transportation and workload assistance by the time of the forced removal. All Tribes had established mourning customs for their dead. These actions brought respect in the beginning; these also brought great pain at the time of the forced removal.



At the time of the forced removal the Tribes were required to leave prepared and cultivated land making it impossible to plan for the next growing season, thus removing their self-reliance and provision of food. The Tribes were required to surrender arms; this action made it impossible to hunt to supplement their diets. The later accounts of removal indicate that livestock was seized or scattered by Settlers; leaving no mobility options. The travel was rapid and forced, leaving no time for preparation and mourning of the dead; severing the ties with the land they were leaving behind. This final thought represents the Settlers diminishing opinion of the Natives' worth.

### The Cherokee

The Cherokee believed they were the first natives to inhabit the Earth. The clans then spread out in a fan shape and traveled to the point of Earth that the Great Father had preserved for them. There they birthed children, created and cultivated kitchen gardens, hunted wild game, constructed permanent structure houses using materials from the Earth, and buried their dead within the Earth. It is impossible to separate the Cherokee culture from the Earth. To say they felt entitled to the Earth is a great understatement. In their belief, they were part of the Earth.

To assimilate and align with the strong-willed Settlers was not a great stretch for the Cherokee; so, to work within the agreement that they would become "civilized" seemed not unreasonable. They already lived in permanent structured communities. They were not nomadic. They had established rules of conduct and governing bodies to deal with rule-breakers. They cultivated farmland. They held possessions with value, and through the exchange with others conducted business. Their territory held definite

boundaries. They owned property within their community. Their Nation was recognized among their peers as sovereign. They valued peace and respected their neighboring tribes.

The differences they held with the newcomers was the style of clothing, the color and texture of hair and skin, their speech and customs. By the time of the forced relocation, many had converted to Christianity. Many Settlers and Natives lived side by side for several generations, each acknowledging the other's accomplishments. It was unfathomable that the great Chief John Ross would not be able to convince the new government to allow them to stay.

When the move appeared eminent, the Native population removal plan was fragmented. The great distance in communication added to the lag time for the most recent turn in the treaty and legal developments. Seasons came and went. Reports of about one-third of the Natives prepared and packed. These families saw the mounting tensions and chose to migrate on their own in the beginning.

Others, following the guidance of their Principal Chief, John Ross, waited for the outcome of the legal discussions. When the ratification came and the executive leadership chose to table the issue and not act on it; the Natives collectively decided they also would "table the issue."

Of the 16,000, 10,000 did not pack one item. They remained, holding their toe in the door, waiting for victory and for their families to return. To pack, it was believed, would begin the slippery descent to defeat. They continued their daily activities as before, right up to the sound of soldier's horses approaching. One account describes a group of women being prodded from their home at bayonet point while in process of preparing the

body of a dead child for burial. No one knows what became of the body of the child (Burnett 1890).

The U.S. governmental guidance had been from the beginning that they would be allowed to retain possessions and livestock (excluding structures and land). This would be the method of their transport, if indeed, transport was needed. Cultural unity and identification of authority are essentials of the Cherokee. Packing would indicate a loss of confidence in the guidance and ability of the Leaders in their efforts. Most simply stood fast where they were and waited, emboldened by word of Chief Ross's success and the decision of the Supreme Court.

#### History of President Jackson and the Executive Branch

Andrew Jackson was the seventh president of the U.S. In 1822, he was nominated for President and lost the election. His supporters went on to form what is today known as the Democratic Party. In 1828, he ran again after being nominated by supporters over three years before the election. He was a military leader and not unfamiliar with overcoming odds that did not show his favor. During military conflict, he displayed his endurance and willingness to actively participate often, earning him the nickname "Old Hickory." His military mindset emboldened him to address the office of President as a command. During his administration, he is known as the first President to use the power of veto. He took office in 1828; ten years later the Cherokee were gone.

What is little known is his dedication to represent the people who elected him. For our perspective of historical research, this means the U.S. white Settlers. Those settlers who were now seen as citizens. This is a perspective that is often lost when discussing the historical President Jackson. Duty bound, this focus drove his decisions. Policies he set

up and enforced were aimed at the benefit of the people. It is apparent in review of his work that he kept separate and objective his analysis of legal and political issues from his personal preferences.

Profession and duty were not his only driving forces. This understanding is essential to keep in context the historical research. Having said this there are several things that are significant and unique to this President. He was no stranger to the awareness of deadly diseases common to the day. His brother contracted and died of smallpox while serving in the militia in the Revolutionary war. Jackson had joined with his brother at the age of 13 and contracted smallpox, but survived. His mother died of cholera when he was 14, which she contracted while serving as a nurse to wounded soldiers. These are some of the same diseases that caused deaths in the Native populations.

Jackson's father died three weeks prior to his birth. After his mother's death, his uncles raised him. He led U.S. troops in the many battles in the south, often against the Natives. He married Rachel in 1788. She died of a stroke just prior to his second term inauguration. His notes and comments indicate he was certain it was due to the stress of the very bitter campaign they had conducted.

Rachel and Andrew adopted three children. One son was the child of Rachel's brother, the other two sons were Native orphans. Theodore, who died early in 1814, Jackson found in battle during the Creek War. The other, Lyncoya, was removed by Jackson from his dead mother's arms, also on the battlefield (A&E Television Network, LLC 2016). There are many documents to support his certainty that the Natives would be annihilated if the growing tensions could erupt into military hostility. He was convinced

the only way to avoid this was to for them to be relocated across the river westward where they would be out of reach of progress and in their own assigned land.

His steadfast dedication to preservation of the union is demonstrated in his successful efforts to thwart the secession of South Carolina, brought about by his communication that the military would be used to prevent this if necessary. He later began to plan to use military force to enforce the removal of the Natives across the Mississippi citing the use of military to defend against civil unrest.

President Jackson had inherited the 100-year question of “what to do about the Indians.” Over his lifetime there had been multiple Indian wars. In many of these he was an active and present participant. The decision of the Supreme Court had changed twice during his eight-year administration. The last decision, the one that gave the Natives the right to stay came at the end of those eight long years.

He had actively encouraged the movement of the Natives to the lands west and provided treaties and location for the move. He had worked on the messaging to encourage a peaceful relocation in what he discerned were mounting tensions and division. The threat of a fragmentation of the Union had already loomed alarmingly close once during the bank collapse (Naydenov 2011). When the Supreme Court decision came granting the Natives residence, his words displayed what can only be his understanding of the now unavoidable clash. “Judge Marshall has made his decision, now, let him enforce it” (Wordpress Blog 2017). Other records maintain what he actually said was the decision of the court had fallen “stillborn” in the matter, meaning that the action had come too late to prevent the relocation that was already in motion.

### History of Settlers

The general opinion of the European Settler was that ownership of the land should be for the more superior divinely appointed Settlers (Perdue and Green 2007, 12). Those who had a more complex and structured way of life, were felt to have a more stable and sustainable culture and in all ways entitled to land ownership. The lesser of the cultures was entitled simply to “right of occupation” at the discretion and charity of the land owner.

Another factor that contributed to the Settlers’ idea that the land was available was the decline over generations in the Cherokee population. The Cherokee population had declined from over 30,000 people in the late 1600’s to less than 7,000 by the mid 1760’s. This decline is a result of epidemic diseases introduced by new arrivals of Settlers. Obviously, the population distribution is then less dense (Perdue and Green 2007, 11). These numbers were not accurate by the time of the removal. The Cherokee census now stood at 16,000.

The Cherokee position was that they were there first, they were created in that location by the creator and that no one “owns” the earth, they are part of it. They believed they were placed in that location by the Earth and the area was specifically provided for them. They had established communities and possessions, and no reason to give up these things.

A main text that was used in American classrooms through the end of the 20th century and therefore influenced several generations was *America’s Frontier Heritage* by Ray Allen Billington. In the text, the attitude is clear that the focus was on the opportunities for development of this “underdeveloped land” and the ready accessibility

of it for the American settlers. The Native population that already lived in the area are seldom mentioned. The Settler, from this perspective simply tolerated their presence, much as one would the observance of soft dirt after a rainfall.

PVT Burnett speaks in his letter of growing up alongside the Native people. His familiarity with the people and understanding of their ways placed him in a position of assistance during the forced removal (Burnett 1890). One must ascertain that there was a sharing of space akin to that of neighbors living within contact distance today in the absence of hostility. The Cherokee lived in fixed dwellings as did the Settlers.

In 1967, the *Indiana Magazine of History* published a review of a noted Native American scholar of the day, Ray Allen Billington's work. Within their review there is found this quote, "It is possible that the Indian played little or no part in the development of the character traits of Americans, but if he did, *America's Frontier Heritage* sheds little light on his role" (Walker 1967, 162-4). It is a sad commentary.

The literature indicated that although the consensus of Settlers was that the Natives could not stay; they expressed little opinion as to how they should go. There was a segment of the population that opposed the removal by force, although their protests are most often found in records dated after the removal had begun. Most are indicating the outrage of the general conditions of the enforcement of the order (military forced round up) and the internment camps and transport conditions. Men of status, at the behest of groups of Settlers, wrote volumes of memorials in defense of the Cherokee (their neighbors). The memorials condemned the continued effort to expel them from their land (Cherokee Nation 2017).

The Settlers that had lived on the land also occupied by the Natives were very familiar with the situation. Some had lived there long enough for this to be third generation standard. They had purchased lands from Natives, stayed in the legal discussions regarding the jurisdictions, intermarried with the natives and lived side by side with them. Most viewed the conflict as a political manner and went on with the day to day work required to settle a new land.

The Settlers viewed themselves as the more superior and advanced populous. They often felt it their duty to help their lesser neighbors into the enlightened state they saw themselves as holding. The sheer numbers of the Settlers arriving to the area were obvious and the land requirement was evident. The government said the Natives were not true owners of the land.

As the forced removal began, the rapid effort to secure the now vacated property reached crescendo. Some quickly assumed the Natives were gone and removed the property and looted the burial and common areas before the Natives were out of sight. This included livestock, clothing, food stores and crops that would be necessary to sustain the Natives during their passage.

#### The State of Georgia's Plan

The State of Georgia had their answer. "All Natives residing within their borders would be expelled" and the territories they held be divided up and sold by raffle. The sooner the better as industry and mining were already quickly accelerating the development of the area. The economic boom of the railway, water commerce, gold mining and all the revenue from the people these operations required were present and now they had legal basis to stand on.



### Martin Van Buren's Removal Order

In December 1837 in his first address to Congress, Martin Van Buren defended the decision of his predecessor to remove the Natives. Documents show his intent was to adhere to policy as previously established (The American Presidency Project. 2017a). In his second annual message, he defended the intent with the messaging that it would be impossible for the Native and the Settlers to occupy the same land, citing it to not be copasetic for the safety or happiness of either (The American Presidency Project. 2017b). These declarations left no doubt as to his plan regarding Native relocation. They would not be allowed to remain. Military force was authorized.

On April 6, 1838 orders were presented to General Winfield Scott to supervise the removal of the Cherokee. Funds were authorized and troops were ordered to proceed with the round up and containment of the Natives. The mission was to be completed by May 23, 1838, just short of two months' time from beginning to end (Eisenhower 1997, 184).

### General Winfield Scott

Most accounts describe General Winfield Scott as an honorable man. He was born to a prominent family. His father died when he was six. His mother raised her family alone (Eisenhower 1997, 2). When he was seventeen his mother died. He attended college and was said to be a man of strong convictions regarding right and wrong.

After his education in law he worked for a short time, then became enthused with the idea of the military. He entered a parade ground, obtained a uniform and performed as a militiaman for several days without ever being sworn in. He was eventually made a corporal there. His natural leadership ability placed him in positions of increasing rank and responsibility. His outspoken manner often placed him at odds with leadership and he

had several personal legal proceedings against him. Still, when a leader was needed, he was often at the top of the list. Such was the case with the Indian removal.

He had had several opportunities prior to the Indian removal to interact with Natives. During the Sauk negotiations, he repeatedly began by admonishing the Natives that by their resistance and failure to cooperate they had brought unfair conflict upon the white settlers. The treaties were eventually signed granting the benefits away from the Natives. However, the resolution was peaceful (Eisenhower 1997, 129-131).

In Florida, he led troops against the Seminole. This campaign to relocate went badly. The troops entered the swamp intending to encounter villages and oust the Natives, but they were never able to pinpoint the location of the Natives. They returned home without a resolution to the matter. The Creek encounters followed. These were like the interactions with the Seminole but the Creek had no advantage of terrain and thus were easier to suppress. There was the difficulty in working with a rival for Scott, Edmund Gaines. The result was a military investigation to identify the deficits that were brought by Gaines early and un-provisioned arrival that created hardship against the supplies Scott had arranged for his own troops.

Scott was known for his campaign strategy to pre-position stocks of supplies. For the removal, he had the troops bring along with them their initial load. Scott was called to account for the shortfalls during the Creek encounter, which were implicated as cause in the incomplete victory. Scott indicated he considered the questions a personal insult and was finally contented when the matter was dropped. However, there is indication that the resolution was due to the end of President Jackson's term and his loss of enthusiasm to

pursue it (Eisenhower 1997, 174). It would have been unexpected for him to have not prepared as much as possible in the removal to avoid a repeated incident.

It was his previous experience with the Natives that aided in his selection. He was, however, not the first choice for the job. The first choice of President Jackson to oversee the preliminary plans was BG John E. Wool. Gen Wool had the unfortunate judgement to verbalize his feelings about the undertaking, stating, “If I could, I would remove every Indian tomorrow beyond the reach of the white men who, like vultures are watching, ready to pounce upon their prey and strip them of everything they have” (Eisenhower 1997, 189). This offended the Settlers and the Governor of Alabama found reason to sue. His subsequent court hearings prevented him from serving in this duty.

In April of 1838, the summons arrived for General Scott to supervise the relocation of the Cherokee. The suspense was short; the Georgia round up would commence by May 23, Tennessee and Alabama would begin ten days later. Scott’s strategy, like his previous operations was to amass such numbers of troops that resistance would not be an option. Chief John Ross visited Scott the night before his departure to impress upon him once more the illegality of the mission. Scott, however, being a lifelong soldier was duty bound to execute his orders.

Scott issued a decree to the Cherokee directing them to the three collection points (Western, Central and Eastern). He felt this was a compelling approach and included wording that indicated he too had seen suffering and simply sought a reasonable solution to the fighting. He indicated that the initial response had been favorable, but compliance lessened the more the Natives retained hope that they might remain due to continued negotiations between John Ross and the Government.

The military plan was to collect the Natives and consolidate them all in a series of collection points and stockades (Golden Ink Solutions 2017). The series of stockades was located from northern Georgia across Tennessee and on to the waterway. The populations that were farthest from the landings would be transported by rail (very limited in the area) to the boats. There they would wait in internment centers to be moved in shifts to the Indian Territory west of the Mississippi. There were specific provisions for shade and water locations as well as guidance stated in the military rules of engagement (Ehle 1988, 326-327). There was a provision for medical care and transportation for the infirm. The messaging was clear and abundant to the populous, both Native and Settler. It was estimated the passage would take about 80 days, however, the area was found to be plagued by drought and river debris and this extended the time frame.

Major Ryan Karasow of Staff Group 12D at CGSC often leads planning sessions with a common military reference, “Plans rarely survive first contact.” As plans go, so did General Scott’s. Out of the seven thousand troops he had been promised, the three thousand regulars would not arrive in time for the initial round up, forcing him to rely solely on the militia and reserve forces. This left his military forces at four thousand. While this effort was never declared a war, the roundup of sixteen thousand unwilling Natives by four thousand marginally trained militia is a recipe for conflict. There is no actual documentation of Native Nation uprising or hostility, but on a more personal level it would be impossible to assume that young men with families would bow their heads and lead their families away from their homes simply because a new authority showed up. Especially, if that new authority is the fellow who lives two sections over, who is now wearing his U.S. Army militia hat. The reality recorded is that both sides of this effort,

including General Scott, were having trouble coming to terms with the future facing them.

General Scott issued orders to make the removal as painless as possible and to provide “decent treatment” for the Natives (Eisenhower 1997, 190). He attempted to retain contact by making circuit rounds to all the collection points and reported that there was “food in abundance” present. Each camp was to contain “shade, water and security.”

Scott’s Army (3,000 + 4,000 = 7,000)

The original order issued by General in Chief Alexander Macomb stipulated that Scott was to have 3,000 regular soldiers to assist him in his mission. These were to come from the 4th Infantry, the 4th Artillery and six companies of dragoons (Eisenhower 1997, 186). In addition to the 3,000 he was to supplement in the effort from militia and reserve soldiers from the local populous.

The militia and reserve soldiers had minimal training. As with current day Reservists, the additional obligations of family, primary employment and community were ongoing leaving less time for drilling and practice of military discipline. There were also the emotional considerations within this population. Many of the soldiers gleaned from the populous had personal feelings ranging from ambivalence and sympathy to mistrust and hatred. The Regular Army soldiers were not immediately available to the effort due to their positioning in Florida for a previous operation. This placed the lesser disciplined and more fragmented reserve and militia in the leadership role in the beginning of the effort to set the tempo.

There is a letter that serves as a document in many of the accounts written on this topic. It is the *Birthday Letter of PVT John Burnett*. In the document the writer

acknowledges that he is at the time of writing eighty years old. He acknowledges that some details have become blurred as would be expected in the memory of someone of that age and an event that distant. It has been challenged in that the number of wagons attested to would not have been present at one location and that Chief Ross' wife is reported to have died and been buried near Ft. Smith, Arkansas; not on the trail as is described in the letter. These, as well as many other points, have been debated and challenged for two centuries now. What does ring true are other details the aging Burnett described correctly. This is the inner conflict he faced. His memory of being duty bound to force his neighbors from their homes to relocate to an unknown land and to do so in the company of others less inclined to be sympathetic (Burnett 1890).

The American military had proven themselves to be a force adequate to establish an authority that could enforce the law of the new land. There was land available just across the Mississippi river that should get the Natives far enough out of the way to allow the Settlers to grow and develop their new society. The perception could be justified that it was a reasonable request that they scoot over.

#### John Ross' Plan

Chief John Ross was certain if he could only speak reason to the courts, the Cherokee would be allowed to remain in their ancestral lands. After the Supreme Court decision came, he was emboldened despite continued progression toward a removal order. When the removal order began to be initiated he was still in Washington, pleading the cause and had sent word back to the tribes for a peaceful resistance stance (Wordpress.com 2017).

There was no provision for sustainment of the people in the Ross contract for the time the people were delayed while waiting for travel (Benedict 1922, 88). When the round up began, he returned to the Cherokee, but they were already at the internment centers. The speed with which the order was carried out was terrifying. Within three weeks from initial movement, all of the Georgia Cherokee were positioned on river departure points at Athens, Tennessee; Ross's Landing, Nashville; and Gunter's Landing, Georgia. The Tennessee and Alabama groups were closely following. By August only about 3,000 Natives had departed from the three points. The remaining 13,000 were stranded at the camps due to the hot season having arrived and the low water in the river no longer being navigable (Eisenhower 1997, 192).

Seeing the state of the Natives stranded on the river in the internment camps, John Ross petitioned to be allowed to move the people. He received the contract and immediately began to assemble food, fodder, basic sustenance items, conductors to lead the groups, a riverboat, animals and tolls/easements for passage. The group was divided again into ten smaller groups which set out across various routes. Some waited for the water to become navigable. Other traversed northward, crossing the rivers at traditional points identified years earlier by Natives and traversed by hunters. He negotiated to receive a sum of about sixty U.S. dollars for each Native that crossed the Mississippi westward and arrived in the Indian Territory.

The travel was grueling. The military presence remained despite the Native control. The pace did not slow. There were pauses that required additional provisions be purchased and moved toward the groups over the eight-hundred-mile line. Hunting became scarce with such large numbers on the trail. The pause for the "sick season" led

to delays that placed the northern routes' travel during winter. Many had left all their belongings behind and they walked without anything except their clothing, without shoes of any kind. Another 2,500 are reported to have died on the trail.

### Chapter Summary

This concludes the literature review of this research. It is by no means exhaustive, but does provide a basis for the reader to begin to develop their own ideas about the direction they may choose to study later as well as a good portion of the actual resources used to back up this project. The next chapter will begin to separate out the individual stakeholder groups and plans regarding the forced removal. Once the background for this is complete an assessment of the event can be completed. The awareness of the humanity of the stakeholders and the complexity of the legal and social issues has lent depth.

“Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?” is the question that must be answered.



## CHAPTER 3

### METHODOLOGY

How different would be the sensation of a philosophic mind to reflect that instead of exterminating a part of the human race by our modes of population, that we had persevered through all difficulties and at last had imparted our Knowledge of cultivating and the arts, to the Aborigines of the Country by which, the source of future life and happiness had been preserved and extended. But it has been conceived to be impracticable to civilize the Indians of North America. This opinion is probably more convenient than just.

— Henry Knox  
*Notes to George Washington* from Henry Knox

#### Chapter Introduction

The question, “Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?” cannot be answered without some understanding of the concept of military planning. Military planning (or really any operation that involves large numbers of people in motion) requires the planner to address the plan from multiple viewpoints to assure there is nothing left out. A systematic approach is necessary. For this study, a systematic approach was used as well.

#### Research Methodology

The steps to complete this study were

1. To conduct an intensive study of documents and literature review pertaining to the event in all available platforms (original written, author developed, websites from multiple origins and opinions, personal experience and

observations, maps and scientific data, as in meteorological investigation).

2. To remove any accuracy deficits and discrepancies, glean the data for those that lacked validation by at least two sources or were obviously biased or inflammatory.
3. To gather similar documents and reports from various sources.
4. To identify the stakeholder groups and then sort information into each of the sections represented.
5. To develop a timeline of events to organize the complex details.
6. To place events into the PMESII (Political, Military, Economic, Social, Information, and Infrastructure) model to provide objective baseline historical analysis of the event.
7. To review the current practices of forced relocations in general to the historic event for perspective and general knowledge evaluation by applying the critical evaluation matrix to the secondary and tertiary questions that arose.
8. Finally, to compare the result to answer our primary question of “Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?”

The review of documents and literature revealed an accounting and recounting of events. Some of the information was repeated in several different works by the same author. This at first seems plagiaristic, until awareness is gained that these are citations of events that have already occurred and the primary documents are static (as in presidential correspondence and ledgers of purchase). So, what at first may have been a deficit

became an asset in that the information could be viewed as being accurate by redundancy.

The review of the electronic ethnically or interest driven websites was challenging. The emotion and passion were obvious. Many lacked consistency and reality, often these did contain links to documents and maps that would not have been immediately apparent without a closer inspection. There were some that were not considered due to their obvious bias or inflammatory nature, except to note that there were a considerable number. That consideration will aid to answer some of the tertiary questions. This added to the assumption that the general knowledge gaps of this actual historic event had been supplemented with emotion and imagination.

Bias of self-report of each of the stakeholder groups was discovered during the literature review. Understanding that each perspective influenced the event, it became apparent that the data collection would have to include similar information from each of the stakeholder groups to be balanced. The main stakeholder groups were developed and the information collection was sorted into those group sections for organization and clarity.

So many of the accounts were over such an extended period and had unfamiliar and similar names it became obvious early in the study that a need for a tool to organize and retain context would be necessary. A timeline was developed (Appendix I) and is included in this study for the reader to use to assist in visual organization of events as well.

The events were placed in the PMESII model. The use of the model helped to separate the politico/socio/economic aspects of the event into manageable topics for

review. The complexity of the event and the consideration of the many moving parts and perspectives was stabilized using this structure. This model also includes the military, information and infrastructure categories needed to examine the event fully. The category of geography and time often are extensions of this model and were included in this review due to the impact they had on this operation.

By placing each of the secondary and tertiary questions that arose into each of the Response Evaluation Criteria matrixes it became clear that few of the details of the emotionally charged event were commonly known. This assists in filling in the gaps left by the lack of factual information. Without this, actions must be based on individual assessments of current situations without the benefit of historical experience.

### Evaluation Criteria

The question of how to establish there was a knowledge deficit answered itself almost immediately in the beginning stages of the literature review by the inconsistencies found in every stakeholder group and the almost total exclusion of details of this event from most Early American History curriculum and texts. To allow an objective look at the information gathered it was then necessary to develop the evaluation criteria matrix that are found in Tables one through ten. Each question was then evaluated based on the information located, the specificity of the information and the level of difficulty it took to uncover the specific information. “Common” is yes; “Obscure” is no; and “unsure or unclear” is exactly that. Table one is an example of the criteria evaluation matrix.

Table 1. Response Evaluation Criteria			
Question	Common Knowledge/Yes	Obscure Knowledge/No	Unclear or Unsure
1) Could understanding of the Forced Relocation be useful in future dealings with relocations of displaced populations?			
2) What was the turn of events that called for military action to complete the forced migration?			
3) Did the urgency and alterations in timelines lead to critical inadequacies in preparation, planning and sustainment?			
4) Was the relocation an attempt at genocide?			
5) Why did the timing suddenly become urgent when the issue had been discussed for 40 years prior?			
6) What was Jackson's motivation?			
3) Where in the legal process did the Natives stand...Sovereign or not?			
7) Could the lack of disclosure and transparency in this historic event have produced an unnecessary and enduring resentment and complicated population unity?			

*Source:* Developed by author.

### Threats to Validity

There are several threats to validity for this work. The trouble with writing about history is the tendency to leave out the humanity of it. By the time the account is made mere mortals have been elevated to iconic status. Tragic, terrifying, and transient events have been coalesced into a significant, theatrical battle, often without a realistic sense of time. And, the human suffering and anguish have been sanitized and removed. Some feel

this provides objectivity. That would be correct if it were not for the fact that the events recorded were real. These events occurred to “real” individuals in a “real” world.

There are conflicting reports of amounts and numbers that even today remain in dispute. There are many reasons for this. Many reasons for this are accepted. Several accountability reports collected in the time of the removal indicate arrival numbers that are larger than the departure count (Ehle 1988, 390-391). This is due to the addition of “hold outs” as they were collected on the trail that joined the parties while already traveling. There were also inconsistent practices for accounting for slaves (human, property or livestock). These inconsistencies are considered “concurrent validities” (Garson 2016). Births that occurred on the trail were additions. Deaths and elopements accounted for the subtractions. Due to the distance and sheer masses of numbers, small parties and groups could depart the group. Many of these groups returned in secrecy to the eastern group that remained hidden in the hills. Verification then falls to the reviewer to accept the most often documented account. Garrison, a noted authority regarding validation of research, calls this “construct validity” (Garson 2016).

The discovery of new links and websites is distracting as well as helpful. Many of the links have revealed additional sources in such volumes that would be impossible in this limited time to fully pursue. Some of these discoveries are offensive to the researcher considering today’s societal norms. This has been an ongoing challenge during the research and will continue to be a challenge for the readers; the current “normal” was not the “normal” at the time of the event. It is very important point to not lose sight of this fact.

There has been receipt of additional documents through inter-library loan that are pertinent and more accurate regarding quantitative data, but tedious to examine due to being scanned onto electronic media in unclear fashion (most likely due to degraded historic original) and many are hand written (as would be expected for the time period). Both of these factors can lead to selection and mortality bias, which is to say, the samples may not indicate a true general sample and that the original participants have died and are no longer available to give context (Garson 2016)

The instruments and models used are modern ones based on the context and capabilities present today. These models do provide objectivity and organization to a point, but fall short in the ability to measure context of societal norms, perspectives and attitudes of the time the event occurred. What is acceptable today, is not the standard that was acceptable in 1836. Today's "enlightenment" is also an area of "limited vision" in this area of assessment.

The researcher's previous experience in conducting original research has been of a quantitative analysis nature and the methodology for this study is more historic review, comparison and qualitative. Lack of familiarity with these methods has produced some duplication and redundancy as well as hesitation in progress of compiling data.

Investigator bias is a concern. The Researcher has resided, been raised in, and acquainted with Native Culture for over 50 years. The Researcher is American, female, parent, and a Soldier in the U. S. Army. Having stated this, to remove the human factors from that leaves the reader with a simple story, uncomplicated by the facts, which includes the emotion, loyalties, reasoning and reasons of the humans that participated in them. This work is an attempt to restore that depth to the historic stakeholders as well as

discuss the real impact politics, planning and sustainment had on the outcomes for these groups, while remaining aware of the “Hawthorne Effect” as described by G.D. Garson.

### Chapter Summary

This chapter has discussed the methods used for data collection, organization, assessment and conclusions. There has also been a discussion toward the validity of the study and the threats to that validity. In the next chapter the presentation of data in detail and the analysis of the data will yield an answer to the original question of “Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?” as well as to the secondary and tertiary questions that resulted.



## CHAPTER 4

### DATA PRESENTATION AND ANALYSIS

#### Chapter Introduction

The primary research question for this study is “Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?” The answer, very simply is yes. To answer this question, the steps outlined in chapter three were followed. The results of those steps and the analysis of the information obtain through those steps follows. The steps were:

#### Step 1: Study of Documents

Step one was the study of documents to identify the common recounting of the event. During the review, it was quickly noted that although many had similar general information the details varied between the sources. Each source reviewed contained a slightly different version of the history, often obviously influenced by author emotion. The search then for more primary and original documents led to searches into databases, diaries, ledgers, and park services records.

The events that we know are as follows. The Cherokee Nation was in what is now known as the United States (east of the Mississippi). The population of the Nation was estimated at 16,000 people. The advancing approach of the new civilization of Settlers was requiring increasingly more land. This conflict of need led to strong opinions and beliefs as to who the land should belong to and who would have full use of it. The prevailing opinion of the U.S. government and newly developing population was that the

matter could be solved by relocating the aboriginal Nation to an area provided for them west of the Mississippi river. This would allow the Native nation to continue to exist and thrive, and the Settler population to pursue their interests in development of industry and economy without aggression (ends). The U.S. government was required to facilitate the division after years of discussion and legal debate, the use of military enforcement of the relocation mandate was decided upon. The order was issued and openly dispersed, the routes were plotted. The Native populations were rounded up in a mass military effort and brought to collection points. From there they were moved to internment camps at the east bank of the Mississippi River under military watch. Plans were made to transport the Natives with their belongings across the Mississippi River to the new location provided for them (ways). Funding and troops were apportioned for the effort (means).

The challenges of this operation proved to be more cumbersome than initially anticipated and the removal was continued after transferring to contract following the removal of the first five thousand people. Fifteen hundred Natives died in the first effort, mostly due to disease and exposure in the prolonged waiting for transport and crowded conditions at the internment camps. The contract was granted to Chief John Ross. The Chief secured a riverboat and purchased blankets and food (Perdue and Green 2005, 167).

The remaining eleven thousand were then transported by both land and water routes dependent upon the navigation status of the river and the season of year. Money was allocated by the government per capita transported and the relocation continued. Another twenty-five hundred Natives died on this phase of the relocation. There continues to be discussion and controversy regarding the relocation.

### Step 2: Remove Biased or Invalidated Data

Step two was to remove any information that could not be corroborated by at least two minimally differing accounts. Documents that were missing information or partially obscured were not considered except to occasionally verify dates. The websites that were obviously biased or inflammatory were also removed. There were several websites and blogs that failed this test. The opinion editorial slant was too far in one direction or the other to be considered. These were found from the directions of all the stakeholders, including the historic and current government documents. Omissions of data, for whatever motivation were evident in many. Those were not considered within this study.

### Step 3: Gather Similar Documents

In step three the process of identifying common critical events was the key task. This was an event that impacted several different groups of people so the common denominator had to be the event itself. The physical locations, political implications, economic issues, and social influences were all considerations.

Looking from the lens of history we see these things. Thousands of aboriginal tribes populated the North American continent from the East to the West Coasts and across the territory to the south into Mexico and northward into present day Canada. They had lived for generations on this land. Most of their cultures incorporated some aspect of “being the land”. Some were nomadic, others were established into communities. All the Native tribes had some form of government, hierarchy, family and community units, religious and burial customs and definite awareness of territorial boundaries and customs of neighboring tribes. These unique societies formed the populous of the “Old World.”

As new Settlers began to explore and enlarge the area they had established their new country in, more room was required. The conviction of the Settler was that they had been divinely delivered into this new “undeveloped land” and as the more advanced civilization were entitled to it. The opinion of the U.S. government was that the Native lands were the “spoils of war” and the loss of the principal landowner (Britain). The executive branch recognized the need to bind together the fragile new nation. The Natives had no such belief and felt they were the original and continuing true population, therefore would stay. The Supreme Court had the responsibility to hear and rule impartially. Native leadership was certain they could convince the new and fair government to hear “reason”. Business owners needed land for improvements and progressive development. National economy required commerce and capital. And, it all needed to occur on the land east of the Mississippi River.

#### Step 4: Identify the Stakeholder Groups

Once the common events to be examined were identified, step four was to identify the specific stakeholder groups the events impacted. By sorting through the main authors of the documents, stakeholder groups were identified. The groups each had strong characteristics that allowed analysis of each group separately.

Upon the establishment of the United States, and the continuing march to explore, occupy and develop what the new populous viewed as a huge undeveloped wilderness the Natives were forced westward or experience complete attrition. Per the European culture from which the majority of the Settlers came, land ownership was a huge marker of status. For them it was completely natural to ask the question, “Who owns this land?” For the Native, the question had no translation merit because for them it was impossible to

“own” land. One possessed boundaries and Nations of people bonded together to form societies, but the concept of land ownership was completely a foreign one. Only after the introduction of the new population did “ownership” become applicable. Understanding this distinction is an essential first step in understanding the communication problem.

The new America was governed by a system that was being developed as the country was being established and populated. This leads to power being distributed and then re-distributed as growth occurs and populations draw boundaries. These boundaries were assembled into states with their own sets of statutes and rules. Higher courts were developed to provide continuity throughout the territory.

The Natives who occupied the land first had been there for generations. The British and French that had come had not objected to their remaining. The discussion and changes took place over a span of several generations. Always, there had been the resulting treaty the led peace, however fleeting.

#### Step 5: Develop a Timeline

The information quickly began to extend across over two decades of history. This complicated the review and made contextual analysis difficult. For this reason, it was helpful to develop a timeline of events and dates that could give a clearer picture of when, and where specific events occurred. By doing this it became evident that much of the trouble in the planning and execution of the relocation came about due to difficulties communicating across vast distances. The long expanse of time between the various events further diluted the momentum of any treaties, negotiations or declarations.

This started the human conflict and competition for land, coupled with a complete break in communication both actual and linguistic. The Indian Wars were a significant

momentum builder. So many treaties and legislations were passed it would be impossible to cite them here. The ability to convey the resulting changes was very limited. Mouth or community center proclamation passed the word. The sender/receiver efficacy was diminished due to the language barrier of exclusive use of English and the illiterate populations. The Native government was stratified into levels much like the Federal and State distinctions in current American government. The communication between individual tribal groups and the larger central or “Principal” leadership was often as infrequent as seasonal change due the need for attendance to crop cultivation and weather patterns determining when the groups could travel to congregate and exchange information. Often the mandate was changed before it reached the complete range of intended recipients. This developed a sense of confusion, delay and complacency in the Cherokee Nation, and a sense of inaction and frustration on the part of the land and economic developers. This is a significant context to keep in mind as we discuss other factors.

During the interactions of politicians across a thirty-year time span several pacts were made assuring the removal of the Natives from the region east of the Mississippi. The Settlers were seeing success with farming and industry and this required land. The attempts to reach a satisfactory level of “civilization” of the Natives was unsuccessful. The Cherokee were believed to be the “most” successful in this effort, but this was minimalized and discredited by the oversight committee’s observations that intermarriage with white settlers had diluted the result (Perdue and Green 2005, 71).

Many political leaders, religious leaders, and common citizens were sympathetic to the plight of the Natives (Perdue and Green 2005, 110). Land was apportioned for

them across the Mississippi and the offer was put on the table. Some Natives saw the impending changes and chose to move early on. President Jackson urged them to move voluntarily before the crisis erupted. Chief John Ross attempted to use the Settlers' own instrument by petitioning in court and received a ruling allowing them to stay. The State of Georgia petitioned for ratification citing previous rulings that prevented recognition of the Native land ownership and status as a sovereign government. The Treaty of New Echota (ceding all Native land rights within Georgia) was signed in secrecy. The five hundred signatures it contained sealed the fate of sixteen-thousand Cherokee (Satz 1975, 100).

Leaders directed most Natives to stand fast. Common belief was this was just another of the U.S. discussions and adjustments (Satz 1975, 99). The state of Georgia needed easement for the expanding railroad and the newest catalyst; the discovery of Gold on Native land. The encroachments upon Indian Territory by gold seekers further fueled the fire (Benedict 1922, 54-57).

President Jackson again offered a two-year period of incentives for the Natives to voluntarily relocate. Upon hearing the ruling of the Justice Marshall in the Supreme Court case and it being directly contrary to his efforts it is recorded he expressed sadness in his words, "...and now let him enforce it." He foresaw the impossibility of the Settlers now giving way to allow the Natives to stay and predicted only escalation in hostilities (Park Net 2017). He saw the removal as the last opportunity for the survival of the Cherokee.

He planned for General John Wool to begin the removal process. Upon hearing of the order, General Wool is reported to have stated, "If it were within my power I would

gladly remove all Natives West of the Mississippi out of reach of the money hungry Whites who are waiting like vultures to take all they have.” This statement is indicative of the personal conflict he and many of the stakeholders were experiencing. He was charged with several made-up charges by the State of Georgia that so occupied him he was not available to serve in this effort. He was later cleared of all charges (Eisenhower 1997, 189).

The Jackson presidency ended and Martin Van Buren took office. In the unavailability of General Wool, he appointed General Winfield Scott. Gen. Scott had previously worked with the Natives. Martin Van Buren faced with the mounting tensions between the States and what would become the Civil War, with the extremely poor financial state from the collapse of the bank and the need for economic relief as well as the already available and apportioned land west of the Mississippi River ordered immediate forced removal. The forced removal began in May of 1838, three months before the two-year deadline. The actual date of commencement was kept secret to prevent looting and premature land grabbing. This secrecy contributed to the confusion and lack of planning and efficiency in execution (Eisenhower 1997, 91). In fairness, it should be said here that most of the Cherokee had made no preparations to leave. This could have been due to the extended and thus far impotent process for compulsion (Satz 1974, 269).

General Scott was to receive three thousand regulars from the U.S. Army and to supplement his staff with Reserve and militia from the local populous. His plan was to use 31 newly established and existing stockades to serve as in processing centers, then move the Natives to ten internment locations and transport by rail to the Mississippi



landings and on to Indian Territory by boat. The Natives were to bring their belongings and food rations. There were provisions for water supply, shade and ample room at all destinations and the order was written specifically to impose no undue suffering upon the Natives (Eisenhower 1997, 199).

The first wave of roundups was to occur within ten days of his assuming duty. The first hindrance in this plan came in the delay of the three thousand regulars. This forced him to rely solely on the Reserve and militia, many of which ten days before had been neighbors to the Natives. In the receipt of the forced round up many Settlers anticipated the movements of the military and took possession of the livestock of the Natives (Ehle 1988, 330). Crops were trampled and left burning in the field as houses were looted. The Natives were driven out of homes at bayonet point allowed to take only what they could carry and wear.

As they arrived at the internment centers the numbers quickly rose above what had been anticipated. Current recommendations, per the United Nations High Commissioner for Refugees, 2015, for settlements and camps per capita space is 3.5 square meters (UNHCR 2015). It is easy to say today that the 1836 recommendations would be less due to less personal possessions and societal expectation. This would be incorrect. Those that did retain animals required grazing areas. The wildlife hunting areas and waste collection is also a consideration. Modern sanitation and sewage treatment facilities have reduced the space required for disposal of natural human wastes. The stockades were reported to be spilling over with Natives with no provision for privacy even for personal toileting (Golden Ink Internet Solutions 2017).

Disease quickly spread and the suspicion of the Natives against the white physicians prevented any from receiving treatment. To complicate matters drought had lowered the levels of water at many crossings preventing immediate transport as planned. This bottleneck exacerbated the already critical issues at the landing points and internment centers. Most reports indicate of the five thousand who had been brought to the centers, fifteen hundred died from sanitation, exposure and disease related causes (Benedict 1922, 89). There are conflicting reports of casualties due to the ambiguous numbers of Natives. New births added numbers; deaths and elopements both diminished numbers. The nature of the conflict presented hostility and loss through violence that are not likely accounted for.

Chief John Ross petitioned for and was granted the responsibility for transporting the remainder (some eleven thousand) Natives across the river. He purchased a riverboat, 63 wagons, 654 oxen and other pack animals and was apportioned a sum of about \$60.00 U.S. for each person (Benedict 1922, 87-88). Due to the history of the unreliable waterways, a series of overland routes were established and “conductors” appointed to oversee the ten divisions of the Cherokee with the actual water use limited to the crossings. Many of the conductors were the missionaries that had served in the civilization project. Their compassion, dedication and ability to communicate with the Natives directly facilitated cooperation and one must agree provided some comfort in a situation many were struggling to understand. The trails encountered similar water crossing difficulties to include ice and debris in the river at several points. By now the weather had become cold and many died from exposure (Ehle 1988, 352-353).

The estimated timeframe for each shifts' removal was eighty days, however in actuality the trip often took over one-hundred and eighty days (Benedict 1922, 87). The foraging and hunting became sparse due to the numbers traveling and continuing movements of Settlers westward (Benedict 1922, 87).

There is at least one encounter related by an elderly Native that had traversed the trail of a great snake which came along the river. Most authorities agree this was more than likely a tornado or similar weather event. The story teller reports she was a child when this occurred but after a very loud thundering noise that knocked them to the ground they stood up to see that everyone (including her parents) on the trail ahead of them had disappeared (Park Net 2017).

It is estimated that a loss of twenty-five hundred Natives resulted from the sixteen thousand in the Ross portion of the removal. Most deaths were attributed to exposure and starvation. Many accounts and reports returned of seeing long lines of Natives moving slowly, skeletal in appearance (Park Net 2017).

By the middle of 1839 all rounded up Cherokee had been transported to the land west of the Mississippi River. The exception is a few small bands that escaped removal and fled to the mountain wilderness where they reside still (Perdue and Green 2005, 185).

In all fairness, it is important to note the problem was not that there was no plan. Each segment of stakeholders had a plan. There were elaborate plans such as those of Scott and Ross and there were simple plans of resignation and complacency such as those of the Natives and Settlers. There was no shared understanding or communication and none of the plans proved to be complete or sustainable.

### Step 6: Operational Variables - The PMESII Model

For a military plan to be viable it must meet the criteria of adequate, feasible, acceptable, distinguishable, and complete (Joint Chiefs of Staff 2011, IV 22-25). While this is current doctrine, it is not new criteria. This criterion has existed for centuries prior to the forced removal and was common teaching in military schools prior to the plans development. Viewing the plan through a historical lens it may have been adequate, feasible, acceptable, distinguishable; it appears lacking in the “complete.” There are areas of sustainment that only considered the initial movement and not the extended movement.

The military plan appears limited in its adequacy to adjust to changing conditions. It is apparent from the outset that the plan had immediate challenges in the delay of the three thousand regular Army soldiers that could have provided stronger discipline than that displayed by the hastily drawn reserve and militia (Eisenhower 1997, 186). The decision to shift the direction of the operation and return control by contract to the Cherokee leadership, demonstrates an attempt to restructure. Still, the numbers of Natives moving could not be supported. The lack of anticipation of the fluctuating condition of navigability of the river, availability of grazing, foraging and hunting, and the extended timeline further established the conditions for failure.

The conclusion is that the driving etiology of such a large loss of life was due to the lack of the adequacy of the planning and sustainment operations for this event. The provisions that at first seemed adequate failed to incorporate considerations for contingencies such as weather and cultural impediments. The failure in messaging and conflicted political climates contributed to delays and lack of preparation.

For the appraisal of an overview, the PMESII model will be used (Joint Chiefs of Staff 2011). There are other models that have been developed and could be argued to be more effective, but this model focuses on six essential elements while excluding most “doctrine” related information for the simple reason that “doctrine” was only just being developed in this early time and interaction with other nations and aboriginal populations. This model is useful in organizing thoughts in an objective manner that minimizes the emotion and sympathy that can influence even the staunchest researcher. The elements of the model are political, military, economic, social, infrastructure, and information.

### Political

The political environment was an evolving one. The newly established United States was still recovering from the multiple wars and the recent separation from Britain. Any semblance to the Monarchy resulted in opposition. This is evident in the derogatory implications of the calling President Jackson “King Andrew I” by those not aligned with his policies (A&E Network 2009). In their determination to form a new nation, structures and policies were still being developed; authorities and jurisdictions blended and overlapped often.

The Native populations had their own forms of governance and saw little need for a new one. Nations had a central governing authority, followed by Tribal Chiefs and this was further divided into Clans. Local groupings of elders, religious leaders and shaman augmented the leadership (Cherokee Nation 2017).

The arriving Settlers sought clarity and stable leadership. Leaders were chosen based on the Settler’s belief they could provide this. Many had come to this land to escape poverty, political and religious repression, and prejudice. They had come to this

new land in the anticipation of opportunity of land and business ownership and the ability to be part of the development of this new nation in this “undeveloped land” (Perdue and Green 2005, 72).

### Military

The U.S. military was becoming a fierce force. Leaders had based their organization and approach on the European models of the day. Discipline and training were at the top of the scale. Advancements in weaponry and supply efforts were evolving and quickly being instituted. Outpost development was continual and proliferate. They were a visible and authoritative presence. Having already been tried in over 100 years of battle with other nations, both foreign and Native, they were confident of their understanding of the desired end-state and their ability to achieve it. There were additional resources to be used as well in the militia and reserve units.

Still the optimum ratio for decisive action found in doctrine of 3:1 is used, they fell alarmingly short (Joint Chiefs of Staff 2011, B17). The 7,000-strong combined force (regular, militia and reserve) versus 16,000 Natives (aboriginal populous) placed the advantage on the side of the Native should they choose to actively resist. The additional element of the irregular forces’ personal experiences is another critical factor (Mearsheimer 1989, 54). Many of the militia and reserve had prior personal and business interaction with the Natives. Due to this, there were reports of either overly aggressive tactics, or grievous ambivalence.

## Economic

During the forced relocation, there are three significant details. One is the frequent use of alcohol and communication techniques to purchase land and items from the Natives by the Settlers at a portion of the actual value. Often, when the effects of the alcohol and clear communication assisted by missionaries or local authorities arose, the deal was reversed. This contributed to the ambiguity, but also limited the availability of funds for the Natives to transport themselves.

The second is the collapse of the U.S. banks. The rapid devaluing of the dollar increased tensions for all U.S. citizens. During this time, there was a mandate that U.S. government land (much of which was the Native territories) could only be purchased with gold or silver, not paper. The plan of the U.S. to fund the relocation came in the middle of this economic crisis.

The third factor is the discovery of gold within the Northern part of Georgia. This brought treasure seekers in abundance, often encroaching on the Native territories and further escalating tensions. Any attempt at defense by the Natives was presented as just cause for containing “aggression.” Transportation and refinement methods to facilitate the bounty were rapidly being formed and this required space for water ports and railways (Perdue and Green 2005, 72).

## Social

The combining of the populations of Settler and Natives did not occur overnight. It is important to understand that from the outset of this study. Native culture dictates that “no one” can “own the land.” The Settlers (coming mostly from Europe where land was scarce) saw the land as a vast “undeveloped” wilderness. The Natives were given

monetary compensation and encouraged through Settler relationships to “become civilized”. They adapted and change behaviors accordingly to attempt resolution. The Settlers accepted the ways of their neighbors, at least in the absence of hostilities.

The cultures of the two populations were not completely aligned. However, in the beginning, the sparseness of interactions due to the physical distances apart made this less evident. There was a common perception on both sides that there was enough time to assimilate.

Clergy facilitated the Native’s efforts at assimilation. The clergy constructed schools and held classes. They interacted closely with the Native daily. It was the clergy who stood in protest of the treatment prior to and during the roundup. Several were jailed for their attempts to confront the legal system. The clergy again stood to serve as interpreters in the internment camps. They served, finally, as conductors on the trail.

The Natives were still viewed as an inferior and less desirable race by the Settlers. Any expenditures or access to public transport for the relocation was met with disdain of the Settlers who were also using this means of transportation. The obvious result was that satisfying the Settlers was the priority for the providers of these services.

The internment centers quickly became overpopulated. This led to transfer of many diseases. Those identified by most texts were included fever, measles, diarrhea, dysentery, whooping cough, worms, gonorrhea, cholera, and pneumonia. The situation was worsened by the Natives’ suspicion and the refusal of medications provided by the physicians (Potter and Schamel 2016).



## Infrastructure

During the time of the relocation the infrastructure of the new nation was just being developed. Commercial navigation of major waterways had been underway for half a century and the successful enterprise of moving people and belongings (to include household items, livestock and wagons) was available, for a price. The navigability of the waterways was dependent upon rainfall and storm debris that could make the current too unpredictable or the water level too low, or the chance of collision too treacherous.

The roadways in most of the distance were cleared compressed wagon trails that quickly became boggy during rainy seasons and frozen during the winter. Potable water sources were abundant through springs and small reservoirs in fall through spring; but during the summer, many of these disappeared. The new land owners often also had an opinion as to egress and access upon their property for the Native trails. The opinion varied from fees to denial of access, requiring rerouting.

The railroad was something common in the northern and eastern land, but had not progressed more than a few miles into the Georgia states area (Perdue and Green 2005, 72). There was no railway that traversed the complete distance to the major waterways.

## Information

During the two-year time (1836-1838) provided for the voluntary relocation the messaging indicated a peaceful intent. In 1835 President Jackson sent the following message in a proposed treaty letter to the Cherokee National Council.

I have no motive, my friends, to deceive you. I am sincerely desirous to promote your welfare. Listen to me, therefore, while I tell you that you cannot remain where you now are. Circumstances that cannot be controlled, and which are beyond the reach of human laws, render it impossible that you can flourish in the midst of a civilized community. You have but one remedy within your reach.

And that is, to remove to the West and join your countrymen, who are already established there. And the sooner you do this the sooner you will commence your career of improvement and prosperity. (Park Net 2017)

In May 1838, upon the realization that the Natives showed no indication they were progressing toward relocating, the message became threatening.

Cherokees! The President of the United States has sent me, with a powerful army, to cause you, in obedience to the Treaty of 1835, to join that part of your people who are already established in prosperity, on the other side of the Mississippi. ... The full moon of May is already on the wane, and before another shall have passed away, every Cherokee man, woman and child . . . must be in motion to join their brethren in the far West. (Ehle 1997, 324-5)

Distribution of the message relied heavily on word of mouth and the sender/receiver influences. There were distinctly different languages among the Native populations and the Settlers. Interpreters were few, limited to the missionary and education participants. The interpreter resources were often scarce and scattered across wide expanses of territory. Written word was the second way to spread the information; but again, there were at least two different languages and most of the general populous relied on those of more elevated social standing for reading/writing skill. Once again, interpretation was a limiting factor.

Once the relocation had officially begun, reporting back was through the same channels and military reports. The telegraph system had not yet arrived for general use during this time (A&E Network 2017). The amount of time for word to get to the intended recipient often exceeded weeks.

In May, the military began rounding up the Natives to execute the order and facilitate the removal of the populations westward. The decisive action had begun. The authority in charge was armed U.S. military.

## Geography, Terrain, and Demographics

In addition to the operational variables included in PMESII, geography and terrain are a significant planning factor for the relocation. The distance from most eastern tribal lands to the newly assigned western lands was an average of 800 miles. There were several different routes and transportation methods used so time is not the only variable factor. The mid North-American land was and remains known for sudden and extreme fluctuations of temperature and moisture. There was a constant threat of weather related delay.

The terrain was steep and rugged. The condition of roadways for use of wagon movement varied per season and amount of traffic (which was steadily increasing). Alternate routes were often used to attempt to circumvent this congestion or degradation. Frozen or muddy roads slowed progress. Drought and flooding brought their own challenges to include the loss of accessible potable water.

Navigation of the river was treacherous and available only for short seasons and at the risk of being delayed by increased currents. Northern rainfall at the time of the event would have been evident only in the rising water levels. Time, distance, and method limited weather tracking and efficient communication of weather conditions. Often, the first indicator of difficulty came at the point and instance of occurrence.

An excerpt from the Socialstudies.org site reads:

the Indians would travel by boat down the Tennessee River to the Ohio River, down the Ohio to the Mississippi River, down the Mississippi to the Arkansas River, and upstream to Indian Territory. After three contingents of roughly 1,000 Indians each left for the West (accompanied by a military officer, his assistants, and two physicians), the Cherokee Council pleaded with Army leaders to postpone further movement until autumn. The heat and drought of the summer was contributing to illness and death among the Indians both en route and at the collection centers. Illnesses that included fever, measles, diarrhea, dysentery,

whooping cough, worms, gonorrhea, cholera, and pneumonia were compounded by the refusal of many of the Indians to accept medicine from the physicians. (Potter and Schamel 2016)

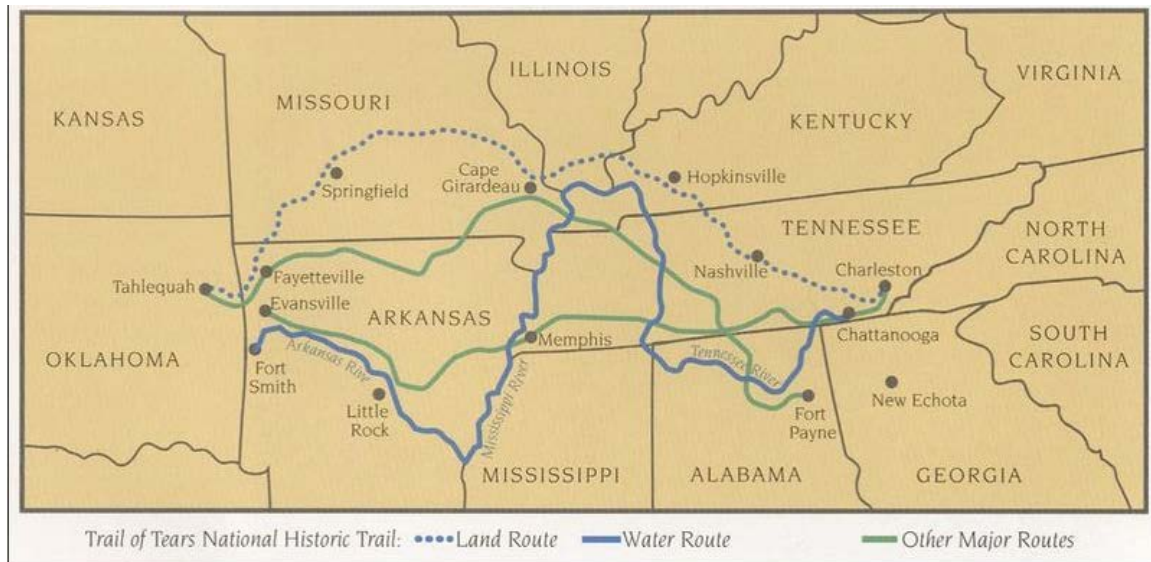


Figure 2. Cherokee Removal Routes Map

Source: National Park Service, “Trail of Tears,” accessed November 12, 2016, <http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/118trail/118locate2.htm>.

The area any of the routes took is in what is now known as the central portion of the United States. This area is renowned for having some of the most volatile weather patterns in the world. The unpredictable nature of the climate could be assumed to be similar in the 1800’s even though actual recording of meteorological data did not begin in this region until after this event. There are at least two events recorded in records that describe activity that is like that of tornado (Park Net 2017). “A great black snake started hissing down the river, roaring toward the Cherokees. The road rose up in front of her in a thunder and came down again, and when it came down all of the people in front of her were gone, including her parents” (Park Net 2017).

There is an account in 1836 just north of the marked northern trail in which temperatures were described as falling so rapidly that people were found days later still standing upright, frozen in their tracks (Heidorn 2002). The sudden fall in temperatures over a 10-hour period caused people to freeze in their tracks and sacrifice transport animals to seek shelter within their carcasses.

For those relying on total water transport the records show at least two delays (one for low water levels during drought conditions and another due to ice floating in river making it unnavigable). There is no reason to assume there would not be other times when debris from storms would make the water treacherous. Planning for this type of event in the 1800's would be reliant on understanding the weather signs and patterns of each region as the group moved through it and the options for sheltering in the event circumstances changed quickly.

The low water levels and weight of the boats caused multiple events of delay, offloading and reloading in unprepared terrain. The debris and current were at times treacherous. Due to these impediments, the estimated time for the travel was extended. The original estimate of 80 days became often 180 days. This complicated not only the extended time needed for accompaniment and equipment, but also the food and transport sustenance of the group. Drought conditions and increased occupancy made grazing and herd populations scarce. The animals used for travel required vegetation and water as well. These essentials became scarce as the trail was passed over repeatedly without rest and renewal intervals.

Even those who traversed on land would eventually be faced with the challenge of crossing the Mississippi river with the tools and technology of the day. This required

loading of people and livestock as well as loaded wagons onto a ferry to cross the treacherous water.

Several accounts indicate that the later shifts encountered sparse foraging opportunity for pack animals and wild game due to the previous passages and quickly expanding Settler population (Benedict 1922, 87). The map below is included to give the reader a clearer idea of the terrain. It includes more than just the Cherokee trail routes. This is significant to include to lend perspective, because there were many more people than the Cherokee traveling this same route at the same time as Settlers were beginning to advance here as well.

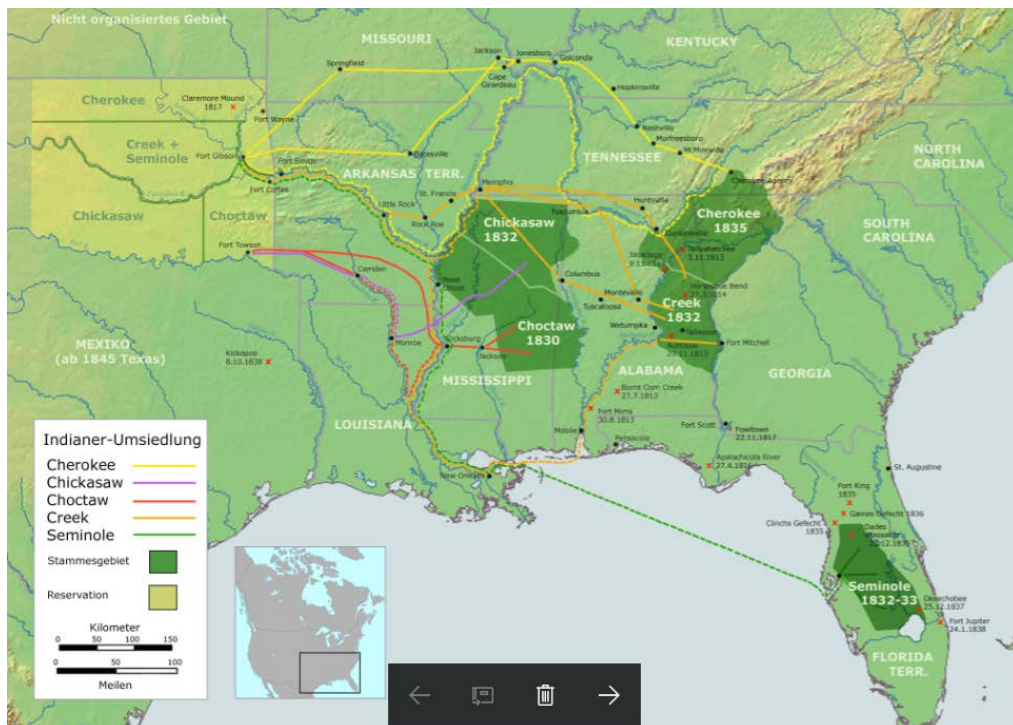


Figure 3. Trail of Tears Map

Source: Resources for History Teachers, "Territorial Expansion and Manifest Destiny," accessed November 11, 2016, <http://resourcesforhistoryteachers.wikispaces.com/9.+Territorial+Expansion+and+Manifest+Destiny>.

## Other Factors

Reviewing the account in the form of the PMESII model identifies several problem areas. Obviously, this is an “after the event” review and it is easier to look back and see clearly than it would have been to anticipate and project in planning. Nonetheless that speaks to the point that planning is essential. The survival of the population was impacted negatively in the inadequate anticipation of these details.

First, there was never any shared understanding. Many mixed messages were sent, there was a long, time delay between announcement and execution in the beginning. There were many different parties speaking with authority (States, Courts, Tribal leaders, Government leaders, and Individual citizens of all groups). When the time came to move, the messages were delivered hastily and with little distribution. There are indications that the final decree from General Scott addressed this in his words “this is not a surprise...” when questioned by Native women “why now? Why today?” (Cherokee Nation 2017).

Time is also a strong running theme of influence in the forced relocation. Many versions of the PMESII analysis include a “T” at the end for time. That would be applicable in this instance as well. The timing of the action as related to the seasonal changes hindered travel and limited availability of food and forage. The accelerated time of initiation began execution of the operation prior to the assembling of the entire number of troops. And, the extended time that was required to complete the mission (up to 100 days longer than the original 80-day estimate). These concepts of “time” changed the efficacy and adequacy of the plan and thus the plan failed in “completeness.”

Now that the PMESII analysis is complete, we can begin to answer our secondary and tertiary questions. These answers will provide an answer to our original primary

question of “Could understanding how planning impacted survival in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838 be useful in current dealings with relocation of displaced populations?”

### Step 7: Apply Critical Evaluation Matrixes

The information that has been discovered in the research and data collection for this study indicates that there are many different emotional and literary accounts available to the casual reader. Uncovering and gaining access to the more detailed and objective data takes more time and effort. The indications from that analysis alone would be that there is less objective and factual data available and discussed. This leaves open the door to imagination. Conclusions based on perspectives and opinions alone foster resentments. These resentments can endure for generations and produce lingering obstacles to development of relationships. The possibility of limiting these types of resentments in the future is why answering this question is so significant. Step seven was to develop and apply a tool for specific criteria to use for evaluation of the data.

What was the turn of events that called for military action to complete the forced migration? There were many. The most urgent was the continual increase in Settler population growth that was forcing the physical space between cultures and economies to collide. While the legal and moral debate had extended the better part of three decades (and longer in some instances), physical space cannot endure the same luxury of expansion. Finite resources such as land, water, food, boundaries, and (yes) gold and railroads become strained and the victor in this instance was the enlarging United States.



The two remaining options were to relocate or be removed through hostility and bloodshed.

Table 2. Response Evaluation Criteria: Military Action			
Question	Common Knowledge/Yes	Obscure Knowledge/No	Unclear or Unsure
2) What was the turn of events that called for military action to complete the forced migration?			X

*Source:* Developed by author.

Did the urgency and alterations in timelines lead to critical inadequacies in preparation, planning and sustainment? Yes. This answer becomes quickly apparent in the bottleneck that resulted at the internment centers when the river was not in an acceptable state. Resources quickly became inadequate. The forced urgency and timeline became the apparent decisive factor as indicated by the willingness for the action to be delayed until the “bad season” had passed, the reports of the rampant disease and sanitation issues by medical, and the transfer of authority back to the Native by contract when the situation exceeded acceptable losses (Ehle 1988, 344-345).

The delay of the regular forces was unexpected. The rush to complete the operation with the forces present formed the acceptance of compliance through violence policy. The insistence that the Natives immediately comply left no time to gather even the most meager of supplies. The previous incongruences and indefinite decisions also opened doubt as to whether preparation was necessary at all. The delays in messaging as

well as the obstacle of language barriers and media delivery methods all added to the confusion.

A lack of contingency for a pause and regroup when the conditions became bottlenecked at the river caused critical short supplies in space, food and sanitation. The extended timeline caused travel to fall in the worst of weather conditions and necessitate all the populous to move at once, thus depleting foraging and hunting opportunities.

Table 3. Response Evaluation Criteria: Urgency			
Question	Common Knowledge/Yes	Obscure Knowledge/No	Unclear or Unsure
3) Did the urgency and alterations in timelines lead to critical inadequacies in preparation, planning and sustainment?	X		

*Source:* Developed by author.

Was the relocation an attempt at genocide? No. For the term genocide to be accurate there must be an inarguable demonstration of intent to exterminate. If this had been the case, there would have been no expenditure on establishment of plan, stockades, internment, gathering of transportation and supplies, securing of destination lands or notification (however brief). The Natives would have been killed at the first roundup. This was not the case as demonstrated by the reports in the review above.

There are numerous letters and documents to include the wording of General Scott's orders to the troops to use the highest manner of humanity toward the Natives. President Jackson's struggle with the outcome demonstrated his conflicted motivations;

to keep the Settlers from extinguishing the Natives and to uphold his sworn duty to preserve the Union.

Table 4. Response Evaluation Criteria: Genocide?			
Question	Common Knowledge/Yes	Obscure Knowledge/No	Unclear or Unsure
4) Was the relocation an attempt at genocide?		X	

*Source:* Developed by author.

Why did the timing suddenly become urgent when the issue had been discussed for 40 years prior? The answer to this question is political. Although the order for the forced relocation is widely attributed to Andrew Jackson, even this is not totally accurate. Upon the receipt of the news that the Judge Marshall had declared the Cherokee could remain upon their land, Andrew Jackson chose to do nothing (Golden Ink Internet Solutions 2017). His refusal to act upon the order has been mentioned but not widely discussed. Knowing the extended struggle that had surrounded his efforts in this area it is documented in his personal papers and understandable that he would see this as another delay in what had seemed to be a matter resolved.

Martin Van Buren had served as Jackson's vice-president and had worked closely with him regarding Native policy. Martin Van Buren was elected to office in March of 1837. The Nation was amid financial crisis and there was little policy to guide actions. Economic depression was quickly extinguishing growth in the east. Only the growth and

access provided by the railroads and industry could stabilize the sinking economy (Golden Ink Internet Solutions 2017). Standing between the Settlers and this growth and development was the Cherokee Nation (Inskeep 2015).

Table 5. Response Evaluation Criteria: Why Now?			
Question	Common Knowledge/Yes	Obscure Knowledge/No	Unclear or Unsure
5) Why did the timing suddenly become urgent when the issue had been discussed for almost 40 years prior?		X	

*Source:* Developed by author.

What was Jackson’s motivation? By reviewing the history of the man that became the seventh president of the United States it becomes apparent that he was a conflicted individual. President Jackson had participated in military operations against the Natives to secure the status of the new nation. He had also rescued Native children that fell victim to those operations and raised them as his own. He often lamented that the “rich and powerful too often bend the acts of government to their own selfish purposes” (Lillian Goldman Law Library 2008).

He also recognized the critical impact the economic state of the union would have on the new nation’s ability to function and sustain. He often referred to his obligation to consider and provide for the stability and preservation of the Union. He had demonstrated this by his willingness to use military force to assure compliance in the proposed succeeding North Carolina during the Nullification Crisis (McDonough 2017). His efforts

to convince the Natives to move on their own were supplemented by advocating for land provisions and treaties. Many of his communications to the Natives and to other political leaders indicate he saw the only chance for Native survival to be removal to the lands west of the Mississippi River.

Table 6. Response Evaluation Criteria: Jackson's Motivation			
Question	Common Knowledge/Yes	Obscure Knowledge/No	Unclear or Unsure
6) What was Jackson's motivation?			X

*Source:* Developed by author.

Where in the legal process did the Natives stand -- Sovereign, or not? When the legal process began by the Illinois and Piankeshaw tribes the debate ended with the decision that the New American territory had been secured from the British and all the territory within the boundaries became American territory, the precedent for all future debates was set. The Native tribes were within the boundaries of the British occupancy and therefore as a conquered nation, the Native tribal land became possession of America.

The decisions of Worcester vs Georgia and the Treaty of New Echota were held in suspense and scrutiny due to this previous ruling and the questions as to whether the lands belonged to the government or to the tribes due to previous occupancy. Even if the tribes retained the lands, they were viewed in the political system as "occupants only"

due to their standing as inferior beings and the Settlers superior status would have held them as the legitimate owners (Wordpress.com Blog 2017).

Many citizen groups and high profile individuals opposed this position. The missionary that initiated the Worcester suit against Georgia was one of three that stood and acted to defend the Natives right to stay. They were imprisoned for their efforts and their eventual release allowed them to continue to serve and assist in the forced removal serving as interpreters and conductors. The stated position of the government was noncommittal except to say that the Natives would have no opposition to re-establishment of their Nations and government. The caveat to that was that it must be done west of the Mississippi.

Table 7. Response Evaluation Criteria: Sovereign, or Not?			
Question	Common Knowledge/Yes	Obscure Knowledge/No	Unclear or Unsure
7) Where in the legal process did the Natives stand -- Sovereign, or not?			X

*Source:* Developed by author.

Could the lack of disclosure and transparency in this historic event have produced an unnecessary and enduring resentment and complicated population unity? The actual date of the initial round up was kept secret by General Scott. The reason found in our research was an attempt to prevent Native escape (Eisenhower 1977, 190). Most the Natives, however, had no plan to escape. They were waiting as a group for what they were certain would be deliverance from the removal order. General Scott expressed

understanding of this in his comments that if the War Department continued to entertain discussion on the matter by Chief John Ross the Natives held out hope that they would not be made to go. He felt (accurately) that this weakened his message to the Natives to prepare (Eisenhower 1977, 187).

When the time came to enforce the order the Natives were determined to stand fast until removed by force. The irregular forces lacked the discipline of the more trained regular forces and there are numerous accounts of violence and destruction contrary to the initial order that was issued. The original order specifically called for gentle and peaceful treatment of the Natives. Colonel William Lindsay oversaw the troops and had already prepositioned large stores of supplies that he felt to be sufficient.

There are accounts in many letters, diaries and documents of the Natives being placed into the holding areas and offered food and medicines. Had the recommendations of the missionaries that had become familiar with the culture of the Natives been heeded, there would have been a realization that their acceptance of these would be unlikely. Per many accounts the suspicion of the Natives was so great they refused food and water, allowing only the children to accept small amounts to ease their discomfort. The missionaries were later allowed to serve as mediators to facilitate the acceptance of medical care and food.

In the research, there was found evidence that this lack of psycho/social consideration was a factor that contributed to increased deaths in the holding stockades and internment facilities. The groups within the walls were faced with such poor sanitation due to numbers arriving more than expectations and the inability to move them

out in a timely manner increased the transmission of diseases for which medication would not be accepted.

After the transfer of control back to the Natives in the John Ross contract, death continued to be a concern. Many of the deaths for this segment of the Native populations were attributed to exposure, fatigue of an already weakened population and lack of water and wildlife on the northern land routes. This was during the time after the military round up and initial transport had occurred. It was clear the Native would not be allowed to return to the east. There was no other option but to go west.

There are accounts of frustration on both sides resulting from the lack of consistent decisions. Through appeals, disrupted timelines and action, as well as encouragement to move now and take all belongings, or stay and wait until the legal process is complete; the clearest of messages was only heard when the military arrived with weapons.

Table 8. Response Evaluation Criteria: Transparency			
Question	Common Knowledge/Yes	Obscure Knowledge/No	Unclear or Unsure
8) Could the lack of disclosure and transparency in this historic event have produced an unnecessary and enduring resentment and complicated population unity?	X		

*Source:* Developed by author.



### Step 8: Compare Matrixes and Answer the Primary Question

Now that the answers have been obtained from the secondary and tertiary questions, step eight is to answer whether understanding the Forced Relocation could be useful in future dealings with relocations of displaced populations. The answer is yes. The following table and explanation will explain why.

Table 9. Response Evaluation Criteria: Consolidated			
Question	Common Knowledge/Yes	Obscure Knowledge/No	Unclear or Unsure
1) Could understanding of the Forced Relocation be useful in future dealings with relocations of displaced populations?	X		
2) What was the turn of events that called for military action to complete the forced migration?			X
3) Did the urgency and alterations in timelines lead to critical inadequacies in preparation, planning and sustainment?			X
4) Was the relocation an attempt at genocide?			X
5) Why did the timing suddenly become urgent when the issue had been discussed for 40 years prior?			X
6) What was Jackson's motivation?			X
7) Where in the legal process did the Natives stand -- Sovereign, or not?			X
8) Could the lack of disclosure and transparency in this historic event have produced an unnecessary and enduring resentment and complicated population unity?	X		

*Source:* Developed by author.

For the first six of the questions the answers fell soundly in the unsure and unclear column indicating that there was information regarding each question. Often it was surrounded by doubt, accompanied by conflicting or incomplete information in other resources or unknown without intensive research. This set the basis for our conclusion that there was little “fact” known surrounding the event.

As for the question of “Could the lack of disclosure and transparency in this historic event have produced an unnecessary and enduring resentment and complicated population unity?” The answer to that question is certainly “yes.” The fact that this remains a topic of uncertainty and elicits such strong debate and emotion from both Native and Non-Native citizens demonstrates the issue is not “closed” (Inskeep 2017). There are clear road signs in Oklahoma (formerly Indian Territory) that still mark Tribal Nation boundaries. Many Native business establishments and older Natives decline the U.S. twenty-dollar bill, requesting instead another denomination due to the image of Andrew Jackson on the currency. A common practice of land title transfer among families in this area holds that if sold it must first be offered to and declined by the other family members before it can be sold publicly (informally known as the Indian clause). Often Native schools and offices are open on the Federal holiday celebrated as “Columbus Day” and current internet searches yield bountiful accounts of protests from the Native communities regarding this celebration, comparing it to the Jewish Holocaust.

Native American Public Telecommunications (2006) presents a series called “Indian Country Diaries” that discusses the assimilation efforts and forced relocation. The term “genocide” is frequently used. The title “Assimilation, Relocation and Genocide” leaves little room for speculation regarding the tone for the presentations.

There are few, if any Native museums that do not contain poems and artwork depicting the suffering and sadness that accompanied the relocation, the loss of home, the loss of loved ones and wounds that “will never heal.” It is impossible to not feel compassion and sympathy, but as military professionals, that alone is inadequate.

As recently as September of 2016 the Federal government is continuing to make amends for the events and dealings with American Natives through redistribution of funds and lands. The settlements were with more than 100 tribes and exceeded 3.3 billion dollars (Horwitz 2016).

### Chapter Summary

The answer to “Could understanding of the Forced Relocation be useful in future dealings with relocations of displaced populations?” is yes. Much emotion continues to fuel opinions of doubt and anger. The lack of planning, lack of adequate physical space provided, lack of shelter considering weather and time considerations all greatly impacted the survival rate. There were other cultural and political issues of course, but the relocation occurred and that is fact. Now, it is our duty to learn from that how to best avoid needless suffering and maltreatment by reviewing what could have been improved in this situation. The way to understand that, is to objectively study and teach the events.

In this chapter, we have reviewed the events using the PMESII model and identified areas that could have been improved upon. Many of these same areas remain poorly addressed in current practice. Repeatedly, cultural and religious aspects of populations are not considered thus increasing an already emotionally charged situation. This presents fertile ground for enduring resentments when the friction and fog of actual action begin to arise. Miscalculations and misjudgments then become viewed as

intentional and purposeful. Today's communication methods place these actions in open view for the world community. It is essential that the military leaders of today recognize this and improve on these relationships.

In the next chapter, we will provide our conclusion, significance and recommendations as well as some final comments. This guidance is not only for the military audience. The relocation of populations occurs worldwide for various reasons such as disaster and contamination events. The emergency management community is currently focused on pre-planning, mitigation and preparedness. The cultivation of culturally and economically sensitive relationships prior to the need for action is a key component in current doctrine adjustment (DA 2011).

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### Chapter Introduction

“This is an important achievement that will end, honorably and fairly, decades of contention that not only sapped valuable resources but also strained relationships,” Deputy Attorney General Sally Q. Yates regarding 2016 Indian Settlements

— Horwitz, 2016

Could understanding how planning impacted survival, in the forced relocation of the Cherokee from the state of Georgia to the territory west of the Mississippi in 1838, be useful in current dealings with relocation of displaced populations? Yes, it is clear to see that through study of the impact of the gaps in the operational plan of this historic relocation, the reader can begin to draw parallels to current similar events. It is fair to say a lack of consideration for legal and cultural issues historically has left feelings of mistrust and suspicion. It would be beneficial to avoid if possible in future similar events.

In our review of this study there are three considerations that indicate a change in urgency. The first consideration is the mounting tension in the new nation because of increasing land requirements and boundaries. The second consideration was the change in Presidential administration. The indications were in place prior to Jackson leaving office that civil unrest was increasing and presidential use military force would be a way to curtail it. The newly elected Martin Van Buren taking office it was a completion of plans already in place to stabilize an increasingly volatile situation. The third consideration was the economic decline the country was experiencing due to the bank collapse and the need

to stimulate industry and wealth. The discovery of gold on Native territories and the need for easement for railway construction were two of the driving forces.

It is difficult to quantify the impact in numbers of Natives, due to the lack of documentation regarding the specific etiology of the deaths. Records of food, shelter, rest and disease prevention are obscure. The actual dimensions and locations of many of the holding facilities is lost to time (Park Net 2017).

What can be seen is that the Native population received mixed messages and timelines. The legal boundaries were vague. The decision to use military force was made and initiated without an adequate force ratio, and with no immediately evident means of execution if obstacles were encountered or adaptations required. The loss of life and the circumstance surrounding those losses continues to cause doubt and elicit feelings of the need for restitution.

### Conclusions

The acceleration of the timeline for transfer produced gaps and shortfalls in basic sustenance, shelter and sanitation that proved impossible to fully overcome. The lack of willingness to pause and wait for the full number of troops expected to execute the mission--in the absence of any perceivable necessity--was a critical flaw. The change of administration of the operation indicated a need for drastic deviations to preserve the completion of the operation within the context of the intent. The emotionally charged physical displacement did place a negative tone on the move, but the lack of consideration for weather and space requirements were the major factors causing loss of life. Prolonged internments and poor sanitation in stockades increased the disease vectors, lack of cultural understanding and communication prevented disease treatment,

and prolonged exposure to harsh elements while delayed water crossings all contributed to the decline in health.

### Recommendations

Albert Einstein is attributed to be the originator of the quote, “Insanity is doing the same thing again and again and expecting different results.” To think that as a military community and a free American society we would fail to recognize inadequate operations and genuinely attempt to realistically present and address these inadequacies is unacceptable. There have been recent improvements (however slowly) in public school curriculum that more accurately presents these events. A photograph project by Matika Wilbur is named “Project 562: Changing the Way We See Native America.” She is attempting to present a realistic “introduction” of Native culture to the rest of America.

Current U.S. Army Doctrine includes the PMESII model. This is an important step for dealing with populations that have been or will be relocated. The awareness of each group’s unique situation and history will enhance our ability to influence future operations of a similar nature. The circumstances that have occurred will never be reversed. But as ambassadors of freedom and compassion, we hold a unique responsibility to facilitate as atraumatic a transition as possible.

Planning after conflict operations (recovery and transition of power) is an area that could be improved on by the military. Many of these operations are left to the Non-governmental organizations and social agencies. These efforts have limited funding and resources. While the military is in place, planners could share their expertise and connections to identify pending trouble areas and anticipate mitigation actions that would set conditions for success after withdrawal.

These things cannot be accomplished using only our own perceptions of “right.” The culture and belief systems of the people that have been relocated must be the starting point. Provision of simply monetary or materiel solutions is not enough. These solutions may not be sustainable without direct support. Rather, understanding the need and supplying training and reconstruction assistance, sustainable sanitation, food and water, and healthcare are basic elements of life. The limited acceptance of food and medicine by Natives during periods of forced displacement, even in times of starvation and sickness, demonstrate how resolute fearful and suspicious populations can be.

The messaging supplied by the “softer” elements of messaging and communication, public affairs, engineering, chaplaincy and medical forces can be used to ease suffering, anxiety and build positive relationships. These disciplines must be included in planning military operations from the conception to the completion. By building positive relationships with the displaced populations, there can be a greater expectation of peaceful compliance than what would be produced by strangers shouting orders.

A further recommendation would be further study, perhaps of other relocation efforts. The reintegration and residual attitudes of the Japanese and German internment detainees are a possible cohort. The current U.S. efforts toward secure borders have segregated out several populations, these could be a focus for study and intervention as well.

Students at CGSC could use this information for exercise planning around historic events such as this to gain insights and critical thinking pathways that could be used to further develop doctrine in these areas. Additional studies that could build on this



example and then apply to more recent operations could be a benefit to extend applicability. There is room for improvement in our incorporation of the softer skills alongside the military might for which the U.S. is known.

### Final Word

As long as there is conflict that forces populations to flee or be annihilated, the military will be faced with assisting with this type of relocation. Events other than war such as nuclear accident, and chemical or biological contamination, have forced evacuation and “no further occupancy” orders. Natural disasters have eliminated communities and cities, forcing the people residing there to relocate en masse to other locations. Many reside in temporary living quarters until they can be processed and moved into a more permanent setting. The transition from an independently functioning citizen to a dependent, detained person cannot be anything but frightening. Frightened individuals can become dangerous hordes. Hostilities flare and innocents are potentially caught in the middle.

Albert Einstein is attributed to be the originator of the quote, “Insanity is doing the same thing again and again and expecting different results.” Current U.S. Army Doctrine includes the PMESII model. This is an important tool for dealing with populations that have been or will be relocated. The awareness of each group’s unique situation and history will enhance our ability to influence the experience. The circumstances may never be reversed, but as ambassadors of freedom and compassion we hold a unique responsibility to facilitate as atraumatic a transition as possible.

Planning after conflict phase operations (recovery and transition of power) is an area that could be improved in the military. Many of these operations are left to the non-

governmental and social agencies. These efforts have limited funding and resources.

While the military is in place, planners could share their expertise and connections to identify pending trouble areas and anticipate mitigation actions that would set conditions for success after withdrawal.

These things cannot be accomplished using only our own perceptions of “right.” The culture and belief systems of the people that have been relocated must be the starting point. Provision of simply monetary or materiel solutions is not enough. These solutions may not be sustainable without direct support. Rather, understanding the need and supplying training and reconstruction assistance, sustainable sanitation, food and water, and healthcare are basic elements of life. The refusal of food and medicine by the Native Americans, even in times of starvation and sickness demonstrates how fearful, suspicious populations can be resistant to comply with authorities.

The messaging supplied by the “softer” elements of public address, public affairs, engineering, chaplaincy, and medical forces can be used to ease suffering, anxiety, and build positive relationships. The use of the “whole of government” construct recognizes the unique talents and capabilities available when other agencies are brought into the effort. These disciplines must be included in planning military operations from the conception to the completion. By building positive relationships with the displaced populations, there can be a greater expectation of peaceful compliance than what would be produced by strangers shouting orders.

A further recommendation would be further study, perhaps of other relocation efforts. The reintegration and residual attitudes of the Japanese and German internment detainees are a possible cohort. The current U.S. efforts toward secure borders have

segregated out several populations, these could be a focus for study and intervention as well.

Further uses of this information may be for students at Command and General Staff College to exercise planning around historic events such as this to gain insights and critical thinking pathways that could be used to further develop doctrine in these areas. Additional studies that could build on this example and then apply to more recent operations could be a benefit to extend applicability. There is room for improvement incorporating of the softer skills alongside the military might for which the U.S. is known.

It is a worthy undertaking to attempt to identify a specific set of steps that could be applied to lessen this impact on these people and facilitate their peaceful reintegration to world community. By applying the resulting concepts, lingering resentments can be minimized and the transition can be just a little less painful, for all concerned.

## APPENDIX I

### TIMELINE FOR REMOVAL

**1770's--** Illinois and Piankeshaw tribes take legal action; “writing on the wall”

**1802--** President Thomas Jefferson; Compact of 1802 with State of Georgia to “extinguish all Indian land title” (Knox 1789)

**1810's--** Increasing cotton agriculture, economic, political and racial tensions increasing and pushing westward

**1819--** (failed) Civilization Fund Act—educate, convert, assimilate (deemed partial success only in Cherokee and this due to dilution by Europeans through intermarriage) (Bowes 2015)

**1823--** Johnson vs. McIntosh--“land belongs to European “discoverers”; “Right of Ownership,” Chief Justice John Marshall

**1825--** President James Monroe and Creek Indians make “deal”; Treaty of Indian Springs in which Creeks ceded lands (later nullified by President John Quincy, restored Creek sovereignty)

**1827--** Cherokee Constitution constructed

**1829, December--** President Jackson’s Annual Address; “to prevent extinction (the Natives) must be moved west to the designated lands,” continued to specify that this migration must be by choice and that are sensitive to reluctance to move from burial lands (Jackson, 1829)

**1830--** Indian Removal Act

**1830--** Cherokees Lobby

**1830--** Supreme Court decision based on 9 letters, historic precedent and humanity

**1830, June--** Georgia declares all Indian laws, usages and customs invalid

**1831--** Cherokee Nation vs Georgia-- decided Cherokee Nation was a “domestic dependent nation” and had no standing in court since had sued as foreign nation

**1832, January--** Worcester vs. Georgia--Chief Justice John Marshall declares in Article I, Section II, “the land will be retained by Cherokee”

**1835--** Treaty of New Echota-- Boudinot, Wadde, Ridge and Ridge illegally ceded all Cherokee land in Ross’ absence; did not have authority to act

**1836--** Creek Wars

**1836, May--** Secretary of War Lewis Cass issues military guidance “essential unconditional submission on the part of the Indians”; 14, 609 Creek removed

**1836, May--** Worcester vs. Georgia ratified by one vote; Cherokee to be moved in the next 2 years (May of 1838 deadline)

**1836--** President Jackson makes executive decision to not act and allow ratification; Georgia acts as a state and disperses land by lottery to white settlers

**1838, Spring--** Cherokee roundup by military action began, just prior to May deadline

**1838--** John Ross petitions for control of the removal

**1839--** Last of the Cherokee arrive in Indian Territory west of Mississippi

**1870’s--** Smaller tribes (Delaware and Shawnee) forced to move from Kansas territories and merge into larger, more diverse Cherokee tribe in Oklahoma resulting in the smaller tribes’ loss of sovereignty.

## REFERENCES

- A&E Network. 2009a. "1838: Morse Demonstrates Telegraph." History.com. Accessed February 26, 2017. <http://www.history.com/this-day-in-history/morse-demonstrates-telegraph>.
- . 2009b. "Andrew Jackson." History.com. Accessed February 27, 2017. <http://www.history.com/topics/us-presidents/andrew-jackson>.
- . 2009c. "Native American Cultures." History.com. Accessed March 8, 2017. <http://www.history.com/topics/native-american-history/native-american-cultures>.
- . 2017. "Native American History; the Trail of Tears." History.com. Accessed February 6, 2017. [www.history.com/topics/native-american-history/trail-of-tears](http://www.history.com/topics/native-american-history/trail-of-tears).
- A&E Television Network, LLC. 2016. "Andrew Jackson Biography." Bio.com. Accessed January 7, 2017. <http://www.biography.com/people/andrew-jackson-9350991#!>.
- Appleby, Joyce Oldham, Lynn Avery Hunt, and Margaret C. Jacob. 1994. *Telling the Truth About History*. New York, NY: W. W. Norton and Company.
- Benedict, John D. 1922. *Muskogee and Northeastern Oklahoma*. Chicago, IL: S. J. Clarke Publishing Company. Accessed February 26, 2017. <http://lcweb2.loc.gov/service/gdc/scd0001/2012/20120509001mu/20120509001mu.pdf>.
- Bigelow, Bill. 2012. "Rethinking Columbus: Towards a True People's History." Common Dreams. October 6. Accessed March 8, 2017. <http://www.commondreams.org/views/2012/10/06/rethinking-columbus-towards-true-peoples-history>.
- Bowes, John B. 2015. "American History: Indian Removals." Oxford Research Encyclopedia. Accessed February 6, 2017. <http://americanhistory.oxfordre.com/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-30?rskey=tCRbcv&result=9>.
- . 2016. "Indian Removals." Oxford Research Encyclopedia. Accessed December 28, 2016. <http://www.presidency.ucsb.edu/ws/index.php?pid=29444>.
- Burnett, PVT John G. 1890. "Birthday Story: A Soldier Recalls the Trail of Tears." LearnNC.com. Accessed September 21, 2016. <http://www.learnnc.org/lp/pdf/a-soldier-recalls-the-trail-p4532.pdf>.
- BusinessGhana. 2016. "Forced Relocation." eSchooltoday.com. Accessed February 6, 2017. <http://eschooltoday.com/migration/types-of-migration>.

- Cherokee Nation. 2017a. "Cherokee Nation vs State of Georgia." Accessed January 1, 2017. <http://www.cherokee.org/AboutTheNation/History/TrailofTears/CherokeeNationvStateofGeorgia.aspx>.
- . 2017b. "Chiefs of the Early Times." Accessed February 27, 2017. <http://www.cherokee.org/AboutTheNation/History/Chiefs/ChiefsoftheEarlyTimes.aspx>.
- . 2017c. "Major General Scott's Ultimatum." Accessed February 27, 2017. <http://www.cherokee.org/AboutTheNation/History/TrailofTears/MajorGeneralScottsUltimatum.aspx>.
- . 2017d. "Treaty of New Echota." Accessed January 6, 2017. <http://www.cherokee.org/AboutTheNation/History/TrailofTears/TreatyofNewEchota.aspx>.
- . 2017e. "Trail of Tears; Memorials." Accessed January 2, 2017. <http://www.cherokee.org/AboutTheNation/History/TrailofTears/FriendsMemorial.aspx>.
- Department of the Army (DA). 2011. Field Manual 5-0. *The Operations Process*. Washington, DC: Government Printing Office.
- Dictionary.com. 2017a. "Assimilation." Accessed February 6, 2017. <http://www.dictionary.com/browse/assimilation>.
- . 2017b. "Indoctrinate." Accessed: March 9, 2017. <http://www.dictionary.com/browse/indoctrinate>.
- Duthu, N. Bruce. 2014. "Federal Indian Law." Accessed February 6, 2017. <http://americanhistory.oxfordre.com/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-18?rskey=Ttfaio&result=1>.
- Ehle, John. 1988. *Trail of Tears: The Rise and Fall of the Cherokee Nation*. New York, NY: Bantam Doubleday.
- Eisenhower, John S. D. 1997. *Agent of Destiny: The Life and Times of General Winfield Scott*. Norman, OK: University of Oklahoma Press.
- Encyclopedia of Race and Racism. 2008. *Genocide and Ethnocide* Vol. 2. Edited by John Hartwell Moore. Macmillan Reference USA.
- Foreman, Grant. 1934. *Five Civilized Tribes: Cherokee, Chickasaw, Choctaw, Creek, Seminole*. Norman, OK: University of Oklahoma Press.
- FreeDictionary.com. 2017a. "Confabulation." Accessed February 6, 2017. <http://medical-dictionary.thefreedictionary.com/>.

- FreeDictionary.com. 2017b. "Legal Dictionary; Supreme Court." Accessed February 6, 2017, <http://legal-dictionary.thefreedictionary.com/Supreme+Court+of+the+United+States>.
- Garrison, Tim A. 2016. "Worcester v. Georgia (1832)." New Georgia Encyclopedia. 19 October. Accessed January 5, 2017. <http://www.georgiaencyclopedia.org/articles/government-politics/worcester-v-georgia-1832>.
- Garson, G. D. 2016. *Validity and Reliability*. Asheboro, NC: Statistical Associates Publishers.
- Golden Ink Internet Solutions. 2017. "Cherokee Removal Forts." Aboutnorthgeorgia.com. Accessed February 27, 2017. [http://www.aboutnorthgeorgia.com/ang/Cherokee\\_Removal\\_Forts](http://www.aboutnorthgeorgia.com/ang/Cherokee_Removal_Forts).
- Heidorn, Keith C., PhD. 2002. "The Weather Doctor; Illinois' Sudden Change of 1836." island.net. Accessed February 26, 2017. <http://www.islandnet.com/~see/weather/events/ilsuddenchange.htm>.
- Horwitz, Sari. 2016. "U.S. To Pay 17 Indian Tribes \$492 Million To Settle Long-Standing Disputes." *Washington Post*, September 26, 2015. Accessed March 4, 2017. [https://www.washingtonpost.com/world/national-security/us-to-pay-17-indian-tribes-492-million-to-settle-long-standing-disputes/2016/09/26/61d55e02-83fc-11e6-92c2-14b64f3d453f\\_story.html?utm\\_term=.ad896c006ee2](https://www.washingtonpost.com/world/national-security/us-to-pay-17-indian-tribes-492-million-to-settle-long-standing-disputes/2016/09/26/61d55e02-83fc-11e6-92c2-14b64f3d453f_story.html?utm_term=.ad896c006ee2).
- Inskip, Steve. 2015. "The Cherokee leader who paved the way for MLK." *Washington Post*, May 29. Accessed March 4, 2017. [https://www.washingtonpost.com/opinions/the-chokeee-leader-who-paved-the-way-for-mlk/2015/05/28/7325d05c-ffef-11e4-833c-a2de05b6b2a4\\_story.html?utm\\_term=.59d47e5b9da4](https://www.washingtonpost.com/opinions/the-chokeee-leader-who-paved-the-way-for-mlk/2015/05/28/7325d05c-ffef-11e4-833c-a2de05b6b2a4_story.html?utm_term=.59d47e5b9da4).
- Joint Chiefs of Staff. 2011. Joint Publication (JP) 5-0, *Joint Operation Planning*. Washington, DC: Government Printing Office.
- . 2017. Joint Publication (JP) 3-0. 2017, *Joint Operations*. Washington, DC: Government Printing Office.
- Knox, Henry. 1789. "To George Washington from Henry Knox, 7 July 1789." Founders Online. Accessed November 7, 2016. <http://founders.archives.gov/documents/Washington/05-03-02-0067>.
- Legends of America (LOA). 2016. "Native American Legends: Five Civilized Tribes." Accessed November 1, 2016. <http://www.legendsofamerica.com/na-fivecivilizedtribes.html>.
- Leonhard, R. R. 1993. "D-Dialectic Strategy." Accessed March 8, 2017. <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwj70ZW12orSAhWH6YMKHbBKDaMQFggtMAI&url=http%3A%2F%2F>



- 2Fwww.dtic.mil%2Fget-tr-doc%2Fpdf%3FAD%3DADA288864&usg=AFQjCNEmF8ptnSatt7OkalBeqRYO5RllA.
- Library of Congress. 2017. "Primary Documents in American History: Indian Removal Act." Accessed January 6, 2017. <https://www.loc.gov/rr/program/bib/ourdocs/Indian.html>.
- Lillian Goldman Law Library. 2008. "President Jackson's Veto Message Regarding the Bank of the United States." Accessed March 3, 2017. [http://avalon.law.yale.edu/19th\\_century/ajveto01.asp](http://avalon.law.yale.edu/19th_century/ajveto01.asp).
- McBride, Alex. 2006. "The Supreme Court: Cherokee Indian Cases 1830s." *PBS*. Accessed January 6, 2017. [http://www.pbs.org/wnet/supremecourt/antebellum/landmark\\_cherokee.html](http://www.pbs.org/wnet/supremecourt/antebellum/landmark_cherokee.html).
- McDonough, John J. 2017. "Andrew Jackson Letter to Martin Van Buren Discussing the Nullification Crisis." LOC.gov. Accessed March 3, 2017. [http://memory.loc.gov/cgi-bin/query/h?ammem/mcc:@field\(DOCID+@lit\(mcc/050\)\)](http://memory.loc.gov/cgi-bin/query/h?ammem/mcc:@field(DOCID+@lit(mcc/050))).
- Mearsheimer, John J. 1989. "Assessing the Conventional Balance; the 3:1 Rule and Its Critics." *International Security* 13, no. 4 (Spring 1989). Accessed February 27, 2017. [http://www.jstor.org/stable/2538780?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/2538780?seq=1#page_scan_tab_contents).
- National Paralegal College. 2017. "Presidential Power." Accessed December 31, 2016. [https://nationalparalegal.edu/conLawCrimProc\\_Public/Federalism/PresidentialPowers.asp](https://nationalparalegal.edu/conLawCrimProc_Public/Federalism/PresidentialPowers.asp).
- Naydenov, Dimitar. 2011. "The Doctrine of Nullification, President Andrew Jackson and the Establishment of a National Identity." Wordpress.com. Accessed February 27, 2017. <https://dtnaydenov.wordpress.com/2011/02/13/the-doctrine-of-nullification-president-andrew-jackson-and-the-establishment-of-a-national-identity/>.
- Park Net. 2017. "Determining the Facts: Lesson 3." NPS.gov. Accessed January 9, 2017. <https://www.nps.gov/nr/twhp/wwwlps/lessons/118trail/118facts3.htm>.
- Pauls, Elizabeth Prine. 2017. "Trail of Tears." Britannica.com. Accessed February 12, 2017. <https://www.britannica.com/event/Trail-of-Tears>
- Perdue, Theda, and Michael D. Green. 2005. *The Cherokee Removal; a Brief History with Documents*. Boston, MA: Bedford/St. Martin's Press.
- . 2007. *The Cherokee Nation and the Trail of Tears*. New York, NY: Penguin Books.
- Potter, Lee Ann, and Wynell Schamel. 1999. "General Orders Pertaining to The Removal of the Cherokees." National Council for Social Studies. Accessed January 7,

2017. <http://www.socialstudies.org/sites/default/files/publications/se/6301/630106.html>.
- Prucha, Francis Paul. 2000. "Documents of United States Indian Policy: Civilization Fund Act." University of Nebraska Press. Accessed January 1, 2017. <https://books.google.com/books?id=COTvocv68koC&pg=PA33&lpg=PA33&dq=U.S.+Statutes+at+Large,+3:5167&source=bl&ots=xBvpHyiykBsigt=YgvEQYT YOvaSDc0sZtKlzLyhoz0&hl=en&sa=X&ved=0ahUKEwjN28Do3crSAhVQ32MKHYsHDVMQ6AEILjAD#v=onepage&q=U.S.%20Statutes%20at%20Large%2C%203%3A516-17&f=false>.
- Quoteinvestigator.com. 2017. "Is Anybody Listening?," Accessed March 8, 2017. <http://quoteinvestigator.com/2014/08/31/illusion/#return-note-9667-1>.
- Reference.com. 2017. "Flora and Fauna." Accessed February 12, 2017. <https://www.reference.com/science/definition-flora-fauna-b97b07a89970b53c>
- Resources for History Teachers. 1988. *Handbook of North American Indians*. Vol. 4: *History of Indian-White Relations*. Washington, DC: Smithsonian Institution Press, 1988. ISBN 0-16004-583-5. Accessed January 1, 2017. <http://resourcesforhistoryteachers.wikispaces.com/9.+Territorial+Expansion+and+Manifest+Destiny>.
- Robertson, Lindsay G. 2005. *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands*. New York: Oxford University Press. Accessed January 1, 2017. <http://americanhistory.oxfordre.com/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-30>.
- Satz, Ronald N. 2002. *American Indian Policy in the Jacksonian Era*. Norman, OK: University of Oklahoma Press.
- The American Presidency Project. 2016. "Thomas Jefferson, December 15, 1802, Second Annual Message." Accessed December 30, 2016. <http://www.presidency.ucsb.edu/ws/index.php?pid=29444>.
- . 2017a. "Van Buren, Martin. December 5, 1837. First Annual Message." Accessed March 7, 2017. <http://www.presidency.ucsb.edu/ws/index.php?pid=29479>.
- . 2017b. "Van Buren, Martin. December 3, 1838, Second Annual Message." Accessed March 7, 2017. <http://www.presidency.ucsb.edu/ws/index.php?pid=29480>.
- The Metaphysics Research Lab. 2016. *Stanford Encyclopedia of Philosophy*. Accessed February 6, 2017. <https://plato.stanford.edu/entries/sovereignty/>.

- Thomaslegion.net. 2016. "General Winfield Scott's Orders." Accessed September 6, 2016. <http://thomaslegion.net/generalwinfieldscottscherokeeindianremovalenforcementorders.html>.
- Trustees of Mount Holyoke College. 2017. "Documents Relating to American Foreign Policy, Pre-1898." Mtholyoke.edu. Accessed September 28, 2016. <https://www.mtholyoke.edu/acad/intrel/pre1898.htm>.
- United Nations High Commissioner for Refugees. 2015. *Emergency Handbook, Camp Planning Standards*. Accessed March 7, 2017. <https://emergency.unhcr.org/entry/45582/camp-planning-standards-planned-settlements>.
- United Nations Office on Genocide Prevention and the Responsibility to Protect (OSAPG). 2014. "Genocide." Accessed February 12, 2017. [http://www.un.org/en/preventgenocide/adviser/pdf/osapg\\_analysis\\_framework.pdf](http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf).
- Wagner, Dennis. 2016. "1802 Thomas Jefferson - Compact of 1802." StateoftheUnion History.com. Accessed January 6, 2017. <http://www.stateoftheunionhistory.com/2016/03/1802-thomas-jefferson-compact-of-1802.html>.
- Walker, Kenneth R. 1967. *Review of America's Frontier Heritage* edited by Ray Allen Billington. *Indiana Magazine of History*, 63, no. 2: 162-164. Accessed January 1, 2017. <https://scholarworks.iu.edu/journals/index.php/imh/article/view/9276/12265>.
- Wordpress Blog. Sustainingatlanta. 2017. "Remembering the Time Andrew Jackson Decided to Ignore the Supreme Court in the Name of Georgia's Right to Cherokee Land". Accessed March 3, 2017. <https://sustainableatlantaga.com/2015/04/02/remembering-the-time-andrew-jackson-decided-to-ignore-the-supreme-court-in-the-name-of-georgias-right-to-cherokee-land/>.